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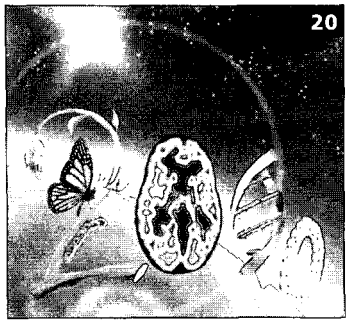

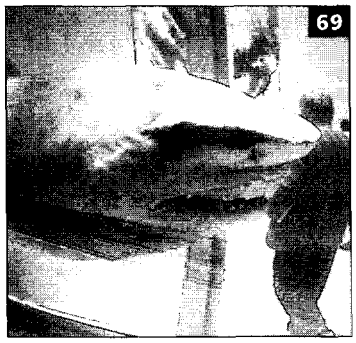

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Reactionary Running Mates

Susan Faludi sounds like Pat Buchanan.

By Virginia Postrel

If Pat Buchanan is going to run for president, he'll need a running mate. And with the Reform Party a shambles, he needs to get creative, to find someone who can attract positive attention and reach out to a different base.

I suggest feminist-of-the-moment Susan Faludi, star of *Newsweek* covers and myriad newspaper puff pieces. She's tiny and soft-spoken, an unlikely combination for a political crusader. But like Buchanan, she uses an unthreatening manner to deliver a radical message. Faludi and Buchanan are perfect for each other.

Both are clever wordsmiths, able to combine anecdotes and abstractions in a compelling form. Both are adept at manipulating their media images, putting the publicity-maximizing spin on their ideas, and turning up on the covers of news magazines. Both are well-connected insiders who adeptly portray themselves as populists. Both decline to let statistical truth get in the way of a good story. Both have emotional styles that stress empathy for the common man. And both share a general worldview.

It sounds absurd, of course. Buchanan is a man of the hard right, Faludi a woman of the hard left. His 1940s hero is Charles Lindbergh; hers is Henry Wallace. They travel in different circles, and they obviously disagree about abortion. In her latest book, *Stiffed: The Betrayal of the American Man*, Faludi even zings Buchanan for abandoning his followers at the 1996 Republican convention.

But political tickets don't depend on complete agreement or personal harmony. They are alliances created to advance a common cause. And while Buchanan and Faludi have many differences, they are both prominent advocates of a particular understanding of what's wrong with contemporary American life.

Both Buchanan and Faludi believe that Americans in general, and American men in particular, have been *betrayed*—that the institutions, habits, and attitudes of our time represent broken promises. They both look back on a better day, during and after World War II, when American men could find meaning in job stability and collective endeavors. Current social and economic arrangements, they suggest, have been foisted on the good people of America by a cold system that cares nothing for their needs or aspirations.

After World War II, writes Faludi in the highly touted *Stiffed*, "The promise was that wartime masculinity, with its common mission, common enemy, and clear frontier, would continue in peacetime.... Like GI Joe, [each American man] would be judged not on his personal dominance but on his sense of duty, his voluntary service to an organization made up of equally anonymous men. The dog soldier would continue to have his day."

But, she says, that didn't happen: "Where we once lived in a society in which men in particular participated by being useful in public life, we now are surrounded by a culture that encourages people to play almost no functional public roles, only decorative or consumer ones."

Buchanan, in last year's *The Great Betrayal*, anticipates the same theme of wistful anger: "We are losing the country we grew up in. The times when we all sacrificed together, as in World War II, and when we all prospered together, as in the 1950s, are gone. America is no longer one nation indivisible."

Like Faludi, Buchanan is filled with nostalgia for the world of anonymous industrial labor and stable social roles. "People know in their hearts that America will never again be the country they grew up in," he writes. "The years slide by, family incomes stagnate, wives go to work to make sure their children have the same things as other kids at the public school do. For Middle America, something went wrong. They played by the rules, but the promise was unfulfilled."

America has undoubtedly changed significantly over the past 50 years. But Faludi and Buchanan never honestly examine the sources of the changes that so disturb them. For his part, Buchanan tries to blame everything on international trade, as though there were no other forces in American economic or social life. (For a more thorough consideration of the trade argument, see Brink Lindsey's review, "The Great Contradiction," July 1998, www.reason.com/9807/bk.lindsey.html.)

The great thing about the trade story is that it offers a simple solution—high taxes on imported goods—and easy-to-understand villains: foreigners and "Third Wave America—the bankers, lawyers, diplomats, investors, lobbyists, academics, journalists, executives, professionals, high-tech entrepreneurs—prospering beyond their dreams." Buchanan plays to his imagined audience's paranoia and envy. A presidential run will test the appeal of that message and, if historical patterns continue, will find it lacking.

Faludi, on the other hand, attacks impersonal historical forces, not evil elites. The baby boomers' World War II–generation fathers, the Great Betrayers of her book, are themselves declared victims of "consumerism," the "celebrity culture," and the "ornamental culture." They couldn't help letting down their sons—the market and the media made them do it. Unable to blame someone in particular, she winds up saying things like, "The betrayer has no face."

In her book and in interviews to promote it, Faludi stresses the crying need for "control," even telling one feature writer that she takes notes on her book tour to maintain her own sense of control. She doesn't approve of the definition of masculinity that depends on control, but neither can she accept a society where things change without someone in charge. "These days," she complains in an interview with *Mother Jones*, "everything changes overnight. Nobody knows who is in charge. No one knows who to appeal to." The political

action that could end men's betrayal is without a leverage point.

To both Buchanan and Faludi, the changes in American life over the past 50 years have nothing to do with the desires or dissatisfactions of real, sympathetic Americans. Those changes were either created by the privileged classes, disloyal to their nation and contemptuous of its people, or by a de facto conspiracy between the media and the "marketplace," neither of which has anything to do with real life. In either case, the answer lies in "rebellion" through political activism.

These ideas make for impassioned prose, but they're lame as historical analysis. The very reason that cultural, economic, and social changes are so hard to control in a free society is that they emerge through the uncoordinated choices of millions of people. The world we live in is the product not of elite conspiracies but of dispersed, often highly personal, decisions.

The fatal flaw in the Faludi-Buchanan message becomes apparent when you consider the issue on which the two writers would seem most to disagree: the role of women in American life, and most particularly in the economy. Buchanan attributes the rise of working women to—what else?—lower tariffs. Once John Kennedy started reducing trade barriers, the '50s family was doomed.

"The social costs?" writes Buchanan, "As workers' wages stagnated and fell, wives and mothers entered the job market in record numbers to maintain the family standard of living. *In 1960 fewer than one-fifth of women with children under the age of six were in the labor force; today almost two-thirds are....*The price is paid in falling birthrates and rising delinquency, in teenage drug abuse, alcohol abuse, promiscuity, illegitimacy, and abortions—and in the high divorce rate among working parents. The American family is paying a hellish price for the good things down at the mall." (Emphasis in the original.)

For Faludi, meanwhile, feminism has nothing to do with work. It is a form of rebellion against consumer culture. Feminists threw out their Clairol and ignored the siren's song of snazzy appliances. *Stiffed* barely mentions women in the workplace, except to pooh-pooh the concerns of men in traditionally masculine occupations.

This emphasis is just plain weird—but telling. The feminism that most American women, and most American men, have embraced over the past three decades is the feminism that says women can and should fully participate in economic, social, cultural, and political life. It is not an ideal that rejects participation in the marketplace, either as consumers or as producers, but rather one that gives women an equal shot. It doesn't declare women victims of their hair coloring. It simply encourages them to find the identity, hair and all, that suits them.

The feminism that most Americans embrace (while often rejecting that label) is life, liberty, and the pursuit of happiness, for women as well as men. Women went into the workforce in part to make money for their families, particularly in the inflation-ravaged 1970s, but also to address their own desires for stimulation, independence, dignity, and, yes, personal consumption.

The social and economic changes that followed were a product of those myriad, dispersed, undirected personal choices. "Nobody knows who is in charge" because no one is, in fact, in charge. The dynamism that Faludi and Buchanan oppose comes from the unplanned pursuit of happiness—the personal search, by trial and error, for better ways of living.

If everything was wonderful in the good old days, the feminist story makes no sense. Women should have been happy with the world as it was. They might have rebelled against advertising, Faludi-style, simply by buying less stuff. They didn't have to go to work and buy even more.

Similarly, if everything was wonderful in the good old days of anonymous corporate cogs, nobody would have bought *The Organization Man*, let alone *In Search of Excellence*. There would have been no late-'70s enthusiasm for "entrepreneurship," extending to the present day. There would have been no stories about the rage of the depersonalized, alienated factory worker, the bored and angry man on the assembly line. Faludi and Buchanan are both old enough to remember a time when factory work was portrayed as hellish subjugation or mind-numbing routine, not the stuff of nostalgia.

The static world of postwar ideals changed partly because of "outside" pressures—from foreign competition, from upstart companies, from social critics who hit a nerve—and partly because it was in many ways to many people unsatisfactory. Today, Buchanan acts as though only grueling physical labor, preferably in a noisy factory, is valuable and real. Anything else—selling photocopiers, managing health insurance claims, delivering packages, answering phone banks, providing emergency medicine, remodeling houses, repairing computers—anything with a modicum of independence, a clean office environment, ongoing public contact, or technical requirements is no damned good. The Middle Americans who hold those jobs are not his people.

Buchanan's anti-elitism excludes most Americans. So does Faludi's. She tries to justify her focus on the dysfunctional fringe of American life by declaring these outliers indicative of the future mainstream. "Every human being who has lived a life has something important to say," she told the *Chicago Sun-Times*. Every human being, that is, who fits the story Susan Faludi wants to tell.

In an interview with *The Gazette* in Montreal, she encountered the inevitable question about why Silicon Valley has no place in her book. Isn't it full of men? "I suppose I could have done a chapter on the perils of basing manhood on being an Internet whiz kid," she said. "It's hardly the same experience as learning something that's been handed down, a feeling that you're contributing to a purpose."

So much for every human being having a valuable story. In fact, Faludi avoids testosterone-drenched Silicon Valley, a place of great purpose and little "ornament," for the same reason Buchanan never mentions steel minimills. Their vision of the good life as static and shaped by collective, political decisions depends on excluding any hint that there might be winners in a world that has changed, that those winners might be sympathetic, or that those changes might have come simply from people trying to do things better.

The "elite" Buchanan hates so much is not primarily a privileged hereditary class but rather Middle Americans, male and female, who want the freedom to be them-

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selves and the opportunity to find a better life. The good old days were bad for many people: for free spirits who didn't want to live through "service to an organization made up of equally anonymous men"; for people who valued creativity over playing by the rules; for people of the wrong background, color, or region; for people who wanted not "the world we grew up in" but a better world. The Buchanan-Faludi ticket is a ticket not to a happier, or even safer, future, but only to a future where somebody else is in control.

General Consternation

New Mexico Gov. Gary Johnson's "astonishing" position on drugs is upsetting all the right people.

By Jacob Sullum

During an October speech in Washington, New Mexico Gov. Gary Johnson sounded a bit like the guidance counselor on *South Park*. "Drugs are bad," he told his audience at the Cato Institute. "Don't do drugs."

A 46-year-old triathlete who abstains from alcohol, tobacco, Coca-Cola, and candy bars as well as illegal intoxicants, Johnson declared drugs "a handicap" so many times that I lost count. Yet the conservative Republican insisted on posing a question that few politicians are brave enough to ask: Are drugs so bad that people who possess them should be arrested and locked up? Johnson's answer, as heartfelt as any prohibitionist's determination to achieve a "drug-free America," is an unequivocal no.

A few weeks before the Cato speech, that stand prompted a scolding letter from federal drug czar Barry McCaffrey, who informed Johnson that "your publicly stated positions are inconsistent with my national drug control policy." When Johnson failed to fall in line, the frustrated former general let loose a barrage of invective, calling the governor's views "preposterous," "astonishing," "embarrassing," and "pro-drug." He said Johnson is "a terrible model" sending "a terrible message." In short, "he should be ashamed."

McCaffrey's over-the-top reaction—which included a trip to Albuquerque arranged especially so he could castigate Johnson on his home turf—suggests how desperate drug warriors are to maintain the illusion of monolithic support for their never-ending crusade. They cannot tolerate even a peep of dissent from someone in a position of authority. But neither McCaffrey's vituperation nor the anger of Johnson's fellow Republicans in New Mexico (who reportedly have screamed and cursed at him in private) has stopped the governor from speaking out against an injustice that seems to have troubled him for a long time.

When he first ran for governor in 1994, Johnson readily admitted that he had smoked marijuana and snorted cocaine as a college student. In his Cato speech, he recalled correcting reporters who described this as "experimenting with drugs." He and his friends were not experimenting, he said. They were having fun.

Johnson wants to make it clear that his experience with drugs did not involve test tubes and Bunsen burners. Nevertheless, he says, such "experimentation" does refute certain hypotheses about the consequences of drug use. "You're brought up learning that drugs make you crazy," he told Students for a Sensible Drug Policy during his visit to Washington. "Then you do marijuana for the first time, and it's not so bad. It's kind of cool. That's when kids find out it's been a lie."

Though Johnson now advocates a drug-free lifestyle, he still does not think drug users should be treated like criminals. "Did we belong in jail?" Johnson asked his Cato audience, noting that a felony record would have prevented him from running for governor. "Does anybody want to press a button and retroactively punish the 80 million Americans who have used drugs?" In 1997, Johnson noted, state and local officials arrested 1.6 million people for drug offenses, and about 400,000 drug

offenders are behind bars right now. "I don't think we can continue to lock America up [for] bad choices," he said. "This has got to end."

In terms of honesty and consistency on the subject of drugs, Johnson compares favorably with George W. Bush, who as governor of Texas signed legislation authorizing incarceration for first-time cocaine possession but refuses to say whether he ever committed that offense himself. Or Al Gore, who admits that he used to smoke pot (and whose teenaged son was caught smoking it a few years ago) yet supports a war on drugs that results in 700,000 marijuana arrests a year.

Johnson, a successful entrepreneur who turned a part-time job as a handyman into one of New Mexico's biggest construction businesses, is neither a blue blood nor a professional politician. The governorship is the first office he ever ran for, and it looks like it will be the last, despite an attempt to draft him as a presidential candidate for the Libertarian Party. Aside from that overture, Johnson's criticism of the war on drugs has not exactly opened up doors for him. He described his political prospects this way: "I'm in the ground, and the dirt is being thrown on top of me."

Johnson's candor and courage won him a standing ovation at the Cato Institute. But the crowd, which consisted largely of drug policy activists and others sympathetic to the cause, was not completely uncritical. Some had hoped for a more dynamic speaker. Others wished he'd bone up a bit on drug policy: Murmurs could be heard, for example, when he seemed to concede that some people die of marijuana overdoses (there is no such case on record) and when he confessed that he wasn't familiar with New York's Rockefeller drug laws, which set the pattern for the harsh mandatory minimum sentences that have helped fill U.S. prisons with drug offenders.

More fundamentally, Johnson's insistence that "drugs are a handicap" comes across as needlessly puritanical. Few people, after all, are prepared to follow his example by eschewing all psychoactive substances. Declining to do so is not necessarily "a bad choice," as Johnson has repeatedly asserted. For those of us who don't compete in triathlons, it may be a perfectly reasonable choice. Johnson was on firmer ground when he told the student group he addressed that "the majority of people who use drugs use them responsibly." Morally and practically, the important distinction is between use and abuse, not between use and abstinence.

On the other hand, the nuances may not matter very much. It's not as if Johnson is facing off against subtle thinkers. In an outraged *Washington Times* oped piece, McCaffrey accused him and the Cato Institute of creating "a smokescreen" to conceal their real goal. They may call for the legalization of drugs, he wrote, but "it is clear the real agenda is the legalization of drugs." Aha!

McCaffrey contrasted "people like Mr. Johnson," who "would put more drugs into the hands of our children," with "Americans"—i.e., the decent, right-thinking people for whom the drug czar speaks. "We don't want the driver of the 18-wheeler next to our minivan high on marijuana," he wrote, implying that "people like Mr. Johnson" relish that prospect. "We want our children to grow up with bright futures, not drug addictions," he added, suggesting that "people like Mr. Johnson" hope their kids will be crackheads and junkies.

Against this sort of mindless demagoguery, the significance of Johnson's stand lies not in the details but in his breaking of a taboo. He is the highest-ranking elected official to call for the repeal of drug prohibition, and his boldness may inspire others. It certainly has upset McCaffrey, who told CBS News that Johnson "has done more damage in the last few months than has been done in the last several years by drug legalization forces." We can only hope that McCaffrey is right for a change.

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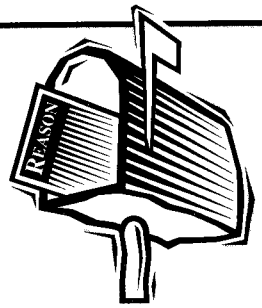

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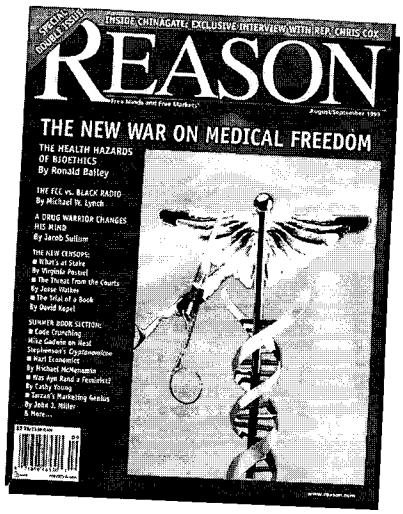

Bioethical Debate

I enjoyed the article on the hazards of bioethics ("Warning: Bioethics May Be Hazardous to Your Health," August/September). As the chairperson of our local hospital's bioethics committee since its inception eight years ago, I have always regarded as my primary responsibility preventing judgmental intrusions on patient care. The most important job of a good bioethics committee is to provide a vehicle for communication—and certainly not to make health care decisions.

Dr. Matt Nesper
Sonora, CA
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Ronald Bailey does a remarkably good job developing his case and is the epitome of logic and reason until he gets near the end of his article. Then the wheels get wobbly and threaten to come off. He states: "But a mind-set that involves constantly and anxiously scanning the horizons for problems greatly increases the chances that you will find them, even when they don't really exist." But they do exist, and Mr. Bailey has just finished describing some of them.

He adds: "Agencies like the NBAC [National Bioethics Advisory Commission] and ELSI [Ethical, Legal, and Social Implications program] focus on the problems a new technology might present, tending to overlook potential benefits." The reverse is true. Such agencies generally engage in hyperbole extolling the potential benefits of new technologies, always including a cure for cancer and degenerative central nervous system diseases.

Mr. Bailey delivers the *coup de grace* when he quotes UCLA's Gregory Stock: "Because there is a desire to get diversity on these commissions, you will always have a significant representation of those who are opposed to the technology. So when you reach a consensus within a community like the NBAC it will tend to be very biased towards being very cautious."

Dr. Stock and Mr. Bailey obviously are not familiar with the National Institutes of Health Embryo Experimentation Panel. It has received little or no attention from the media. There are several facts about this "expert" body, assembled by Dr. Harold Varmus, that are not well known, all of which are important in evaluating the panel's report.

First, among the 19 panelists, there was not one human embryologist. Second, among this group there was not one defender of the sanctity of human life.

When asked to explain this obvious bias, Chairman Steven Muller said, "There is presumably nobody on this panel who believes that there ought to be no federally funded human embryo research at all, because if that's what you believed, that would have been a good reason to say, 'No, I don't want to serve on such a panel.'...So I don't think we have to take a view into account that there should be no human embryo research, period." (NIH Human Embryo Research Panel proceedings transcript, February 3, 1994, pages 97–98). Stated another way, all panel members invited to serve were in favor of embryo research before they were summoned to service. In addition, between 1987 and 1993, 11 of the 19 panelists received NIH grants totaling more than $21,000. A conflict of interest is undeniable.

In addition, the Roman Catholic Church has a well-documented moral teaching that prohibits all embryo research except that which is directed to the treatment and benefit of the research subject. Ethicists would do well to study the church's documents as they attempt to make public policy in the interest of all persons, born and preborn. Until the entire medical ethics community brings God back into the equation, they are destined to fail.

Dr. William F. Colliton Jr.
Bethesda, MD

Ronald Bailey replies: First, Dr. Nesper, thank you for your kind comments, and keep up the good work.

Second, Dr. Colliton, I suspect you will be very displeased with my article in this issue. Government agencies do have a bias toward caution, and the recent report on stem cell research by the NBAC shows it. The NBAC timidly recommended that stem cells be derived only from embryos left over from in vitro fertilization attempts, though some researchers are interested in pushing ahead to create embryos through cloning because stem cells derived from them would be compatible with individual patients' immune systems. I am familiar with the Human Embryo Research Panel's work. The panel's recommendation that some limited federally

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funded research be permitted on human embryos was overridden by both Congress and President Clinton. You do have a point that the only "diversity" found on most federal panels is based on sex and race, not intellectual views. But this fact is a strong argument for the position that decisions about ethics and values are better left to individual citizens rather than to such panels. As for God, surely you will concede that people disagree, sometimes violently, over what exactly he thinks human beings should do.

More Hidden Taxes

Michael Lynch's article "Taken to the Cleaners" ("Citings," August/September) brings to mind my phone bill:

Bell Atlantic	
Federal Subscriber Line Charge	$9.57
Portability Surcharge	.46
Automatic Savings Charges	1.26
911 Fee	.60
Universal Service Fee	.40
Gross Receipts Tax Surcharge	.63
Federal and Maryland Taxes	1.70
Total:	$14.62

AT&T	
Universal Connectivity Charge	$.93
Carrier Line Charge	.85
Federal Tax	1.25
Maryland Tax	.79
Franchise Tax	.03
Total:	$3.85

These taxes and surcharges of $18.47 account for a whopping 60 percent of my charge for basic service of $30.89. Worse, there are items on the phone bill that purport to summarize taxes and surcharges, only to be followed by further taxes and surcharges not included in the summary. Multiply the $18.47 on my phone bill by the number of telephones in service, and ask where the money is actually spent.

Richard Lange
Rock Hall, MD

Suit Threatens Free Speech

As David Kopel points out in his article on *Rice v. Paladin* ("The Day They Came to Sue the Book," August/September), a civil case against a small press concerning a book which sold only 20,000 copies gravely threatens the First Amendment. It also has implications for pending lawsuits, such as the Louisiana case involving Oliver Stone's film *Natural Born Killers*.

As easy as it is to sneer at books like Paladin's *Hit Man*, and the sort of trashy TV movie scenario that inspired the case, it is just as easy to lose sight of what such wrongheaded judicial wrangles mean. Under the logic of *Rice v. Paladin*, anyone or anything that produces anything is fair game for short-term individual gain at the expense of everyone and everything else. The plaintiff, as in *Rice*, may get lucky and win a settlement. Or the judge, as in *Hamilton v. Accu-Tek*, may torture the law and the jury into an award. Or the money awarded, as in the tobacco suits, may never reach its "victims." But the precedents mount, and each following case rests on these absurdities.

Kopel's call for a harder look at reforms in this area should be given serious attention. As Virginia Postrel and Jesse Walker also inform us in the same issue, the piling on by congressional hearings, public hand-wringing, tort law run amok, and judicial activism is poised to leave more than just those on the bottom of the heap bereft of freedom—and more freedoms at risk than just the First Amendment.

Peggy Tartaro
Executive Editor
Women & Guns
Buffalo, NY
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David Kopel's article aptly demonstrates his keen analytical abilities and thorough research. Based upon the reasoning used in *Rice v. Paladin*, a survivor of guerrilla warfare could sue Leon Uris for writing *Trinity* or *Exodus* because they extol the excitement and effectiveness of guerilla tactics against an established government with consequent loss of innocent lives. If one could obtain jurisdiction on the authors or editors of the Bible, I can only hazard a guess as to how many miscreants would attempt to justify their criminal behavior through their fractured readings of the Good Book.

The missing ingredient from these ridiculous decisions is the independent intervening cause that breaks the chain of circumstances leading from a book to action: the mind and judgment of the reader. The wisdom of the ages insists that responsibility for that judgment or lack thereof rests with the reader. Aside from the other dangers of censorship and thought control about which Kopel writes so well, the very essence of a civilized society, based upon the requirement that individuals are responsible for their own acts, is being desiccated by this sort of mindless pandering.

John L. Kane Jr.
Senior Judge
U.S. District Court
Denver, CO

CORRECTION

Due to an editing error, a portion of a sentence in Sue Blevins' reply to a letter to the editor in the November "Letters" section was garbled. It should have read "The CDC uses these age groups:"

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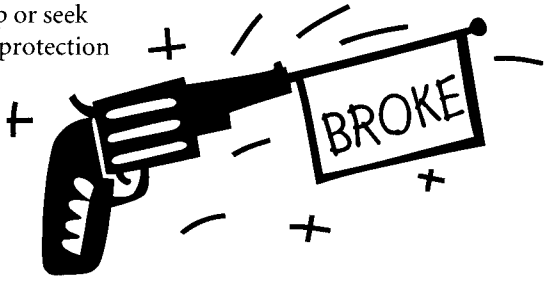
Sued Shut

By Ryan H. Sager

Though they've barely started, local-government lawsuits against gun manufacturers can already claim their first uncontested victories. Two small California gun makers have decided to close shop or seek bankruptcy protection rather than face the oncoming barrage of municipal lawsuits.



Davis Industries Inc. and Sundance Industries make so-called Saturday night specials, cheap guns that critics often associate with crime. Along with larger companies, they have been targeted by local governments under the theory that gun manufacturers should be held liable for crimes that may or may not have been committed with their products.

In September, a lawyer for Valencia-based Sundance Industries told *The Wall Street Journal* that the company filed for Chapter 7 bankruptcy because it "didn't have even the beginning of the resources to pay the legal fees" associated with the lawsuits. Chino-based Davis Industries specifically cited the costs of litigation in its filing for Chapter 11 bankruptcy—a move that has enraged some municipalities looking to squeeze money out of the gun industry. (A third California gun maker, Lorcin Engineering, has also filed for bankruptcy, citing liability worries as "secondary" to internal management disputes.)

According to Randy Michelson, an attorney for the city and county of San Francisco, plaintiffs plan to argue that the legal protections bankruptcy traditionally guarantees are void in this case. Gun makers, says Michelson, should not be able to shield themselves from government lawsuits brought to protect the public welfare.

Public Drinking

By Ryan H. Sager

In September, the Federal Trade Commission reported to Congress that beer, wine, and liquor makers have dangerously loose standards regarding the marketing of booze to minors. While stopping short of recommending that the government regulate alcohol advertising, the report rattled the government's saber and has been taken by companies as a warning that they had better get onto this federal wagon.

The study, commissioned last August at the height of the national debate on tobacco, required eight companies to show they have complied with self-enforced industry advertising standards. The firms reporting included industry heavyweights Anheuser-Busch, Miller Brewing, Coors Brewing, and Seagram & Sons. Among other complaints, the report faults companies for placing alcohol in PG and PG-13 movies and running ads during TV shows with large underage audiences. Noting that 30 percent of the U.S. population is under the age of 21, the report implies that any program with a youth audience exceeding 30 percent should not portray drinking or have beer and wine ads.

The report recommends that the industry "voluntarily" adopt stricter standards and submit to third-party reviews by vaguely defined "independent external review boards."

"We're optimistic they can adhere to these practices," said the report's main author, who added that "there has been no determination of what we would do next" should the industry fail to fall in line.

The FTC might start thinking about that. Despite federal optimism, industry execs are showing some rare, 90-proof courage in the face of the regulatory threat. "Underage drinking has gone down, not up," explains Francine Katz, vice president of consumer affairs

Balance Sheet

By Jeff A. Taylor

ASSETS

△ **▲ Booby Prize.** The public shaming of the Kansas State Board of Education continues, as the bunch that banished Darwin from public school classrooms wins an "Ig Nobel Prize." The annual Harvard University spoof of the Nobels, awarded by the school's science humor magazine, honors nutty ideas and pseudoscience.

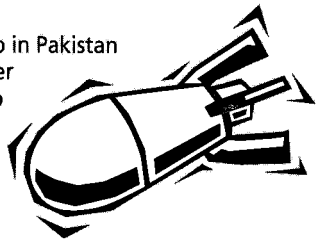
△ **▲ Money Talks.** The Supreme Court attempts to clarify just what limits—if any—politicians can put on political fund raising. While hearing arguments for a Missouri law that placed strict limits on giving, justices are skeptical of the idea. A decision is expected just in time for the 2000 election.

△ **▲ Pop Gun.** Gun makers win one as a local judge throws out the city of Cincinnati's suit attempting to collect damages for crimes committed with guns. The judge stops just short of calling the idea silly, ruling that the city cannot possibly recover money spent on so basic a duty as policing.

△ **▲ Fat Attack.** A study of 1 million Americans published in the *New England Journal of Medicine* finds that fat cells—not cell phones, free radicals, or moonbeams—kill. Deaths from cancer and heart disease, especially, are much more likely in the obese. Downside: Public heath types take the study as a cue to attack fat like cigarettes.

▼ **European Disease.** French chefs riot over taxes, one in eight Germans pines for the Wall, and across the continent job creation is rare and economic growth stunted. The high-tax, big-social-program model delivers what it promises: more of exactly the same.

▼ **Travail Bureau.** The unfolding Waco story shows that, at the very least, the FBI deliberately withheld embarrassing information from previous investigators. But such institutional rot fails to spur any fundamental overhaul of the bureau or federal law enforcement.



▼ **Boom Time.** A military coup in Pakistan delivers fledgling nuclear power into the hands of generals who love to pick fights with similarly nuke-toting India. The Clinton administration's policy of benign neglect of the region reaps a wonderfully unnerving harvest.

▼ **Railroaded.** A train wreck in Britain that kills 30 is immediately laid at the feet of recent steps to privatize British Rail. Yet it is never explained how it is profitable to kill off one's customers. Indeed, airlines with poor safety records suffer at the gate.

LIABILITIES

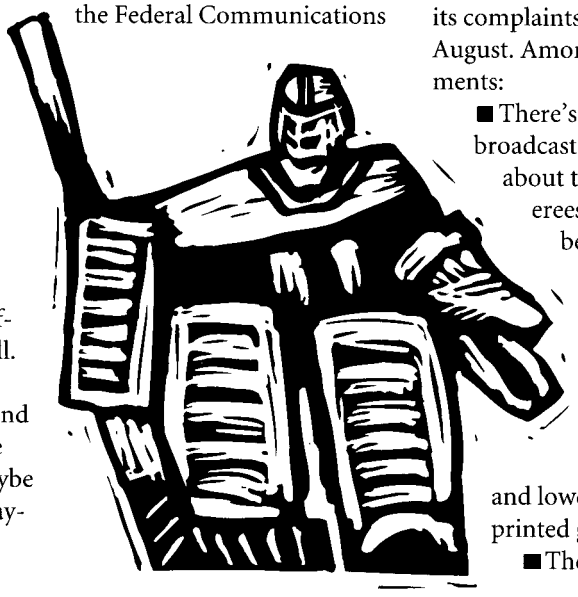
for Anheuser-Busch. Indeed, according to Department of Health and Human Services data, teenage drinking has declined by 45 percent over the past 15 years. "We have always taken our responsibility seriously," says Katz. "Third-party review would be nothing but redundant at this point."

Goaltenders

By Jesse Walker

Suppose you're at your first hockey game and you're not sure why the referee just made a certain call. Or maybe you don't speak English and can't understand the announcements on the public address system. Maybe you'd like to hear some play-by-play coverage, like you would get watching the game at home. Maybe you're blind or hard of hearing and could use some extra information about what's happening on the rink.

The National Hockey League has an idea: It wants the Federal Communications Commission to let promoters set up antennas inside indoor arenas and transmit radio signals to the fans in the stands. Such an "event broadcasting" system could offer any of the above services, plus pre-game entertainment, emergency announcements, ads for the concession stand, and more. The NHL first suggested the idea in April 1998, and the commission asked for public comments on it in July 1999.



The proposal doesn't sound very controversial, but it has provoked some venomous protests. By making its suggestion when it did, the NHL inadvertently stumbled into the fight over legalizing low-power radio, a battle that pits the National Association of Broadcasters, a lobby created to maintain radio and TV stations' privileges, against a loose coalition of people who'd like to start stations of their own: small businesses, leftist collectives, churches, schools, musicians. (See "Radio Waves," June.) It turns out the members of the NAB are so afraid of the marketplace, they don't want to compete even with a station that can't be heard outside a single hockey rink.

The association submitted its complaints to the FCC in August. Among its arguments:

- There's no need to broadcast information about the rules the referees are enforcing, because "information for the novice fan on game rules and play may be delivered through a better-edited and lower-priced printed game program."
- There's no need ▶

QUOTES

"The truth about the Second Amendment is something that liberals cannot bear to admit: The right wing is right. The amendment does confer an individual right to bear arms, and its very presence makes effective gun control in this country all but impossible."
—Daniel Lazare in "Your Constitution Is Killing You," an essay in the October *Harper's*. Lazare, author of *The Frozen Republic: How the Constitution Is Paralyzing Democracy* (Harcourt Brace), argues that the Second Amendment and other elements of the Constitution are outmoded and need to be scrapped.

"A six-year study of 45,000 high school students by the Centers for Disease Control and Prevention reveals that violent assaults, weapons possession, and even old-fashion bare-knuckle fighting are down dramatically in the U.S. Since sales of hip-hop and metal-based rock have never been higher, doesn't this mean the music should get the credit?"
—*Rock & Rap Confidential*, October

BRICKBATS

♦ Each year, *The National Law Journal* looks for cases of judges behaving badly. Among this year's picks: Missouri Circuit Court Judge John A. Clark, who used probationers to clean up around his home before a party and called their work "community service." Also, Michigan Judge James Scandirito, who allegedly invited a 22-year-old woman waiting for him to sentence her on a drunk driving charge to meet him in a bar.

♦ Jerry Riscoe wants town supervisors in Harmar Township, Pennsylvania, to stop the construction of a church. Who's Riscoe? He owns The Blue Haven Lounge, a bar next door to the site of the proposed church. Riscoe says he has nothing against the Jehovah's Witnesses who want to build the church. It's just that he knows that as soon as they move in, they'll start complaining about him. And he doesn't think it's fair that he might lose those battles when he was there first. So he wants to nip the problem in the bud. "It's really strange that Pennsylvania has a law prohibiting a bar from being built next to a church, but there is nothing to stop a church from being built next to a bar," he said.

♦ A federal judge has found New York's Bedford Central School District guilty of violating the religious rights of three Catholic families with children enrolled in the district. Third-graders were required to make elephant-head images of a Hindu god, make toothpick "worry dolls" to keep away bad dreams, and build an altar for an Earth Day liturgy.

Chip Bok

to cover games in other languages, because the league "could implement multi-language announcing through its public address announcers, similar to that used in international competitions." And again, "important notices and game play information could be delivered through secondary language printed game programs."

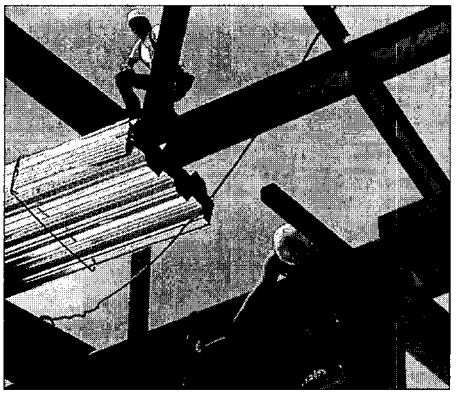
■ "Local, regional, and national sports teams could also want licenses for their indoor facilities....Consequently, large high school gymnasiums, municipal hockey rinks, collegiate athletic facilities, NFL domed stadiums as well as indoor tennis pavilions would all be eligible for a license under the NHL's proposal. The low cost of indoor broadcast equipment combined with the vast number of eligible indoor sport facilities could lead to thousands of licenses that would require FCC policing."

In other words, some people might take a cheap, convenient technology and adapt it to offer services that other people might want. Evidently, this is the sort of thing that sends the National Association of Broadcasters into fits.

Wage Deflation

By Jonathan Block

Over the past few years, "living wage" ordinances have gained popularity throughout the country. Such laws require businesses that have public-sector contracts or that receive economic development incentives to pay workers several dollars above the minimum wage. They are in place in at least 37 jurisdictions and have been proposed in about 70 more.



But the recent defeat of a living-wage law in Montgomery Country, Maryland, just outside of Washington, D.C., suggests that when the negative economic effects of such legislation are made clear, even politicians quick to score p.r. points can do the right thing. In June, developers who had received a tax abatement to redevelop downtown Silver Spring went ahead with their $325 million project only after receiving assurances from the county council that a proposed living wage bill would not affect them.

Montgomery County Executive Douglas M. Duncan led the fight against the proposal, worrying that the law would make it too expensive for firms to do business in the county or that

ARTIFACT

Circus Act

At left is a frame from Bil Keane's *The Family Circus*, a widely syndicated cartoon that has always been saccharine and recently seems senile. Can you think of a good caption for the picture?

One Web surfer proposed, "Once Dolly perfected the telekinetic wedgie, it was either succumb to the constant blackmail, like Billy, or pay the price." Another offered, "First day of school in the Keane household: Jeffy always reached the front door only to realize that he hadn't aged a single year!" In another suggestion, Jeffy says, "Oh SHIT....The ghost of Barfy is coming out of Dolly's ear!"

That all happened at Greg Galcik's *The Dysfunctional Family Circus*, a site where readers added their own captions to Keane's cartoons. Some took on the strip's antiseptic spirit; some made fun of Keane's art; some invented elaborate pornographic subplots. Some were brilliant; some were stupid.

And all of them, Keane claimed, were illegal. In September, his lawyer instructed Galcik to delete "any references to *The Family Circus* on your site" and to supply the "names and addresses of any individual who has assisted you."

Galcik voluntarily retired the feature after a long talk with Keane, satisfying both sides of the dispute but also keeping the right of parody from having its day in court. Until free speech and fair use can prevail before a judge, the really dysfunctional circus will be America's increasingly restrictive copyright laws. **—Jesse Walker**

they would simply tack the higher labor costs onto their bids, effectively getting the county to pay the increase. When the living wage proposal came up for a vote in July, a majority of the nine-member council voted it down.

Those voting against the bill included Steven A. Silverman, an at-large Democratic member of the county council, who had signed campaign pledges in favor of a living wage ordinance. Explaining his switch to *The Washington Post*, Silverman said, "When I signed on to this, I was under the impression that the costs would fall on the private sector."

Out of Its Domain

By Ryan H. Sager

While most Americans would be content with the U.S. Postal Service if it simply delivered "snail mail" reliably, the agency has boldly set its sights on cyberspace. The USPS wants to control the "top-level" domain *.us*. A top-level domain is the final Internet suffix that can identify an e-mail account's or World Wide Web site's country of origin, as in www.city.palo-alto.ca.us. Although not very common in the United States, top-level domains are used in many European countries, and in 1997 the Clinton administration decided the idea of encouraging such usage was worth exploring. The White House asked the USPS to draft a proposal to run the operation and put forward a plan "to commit substantial resources to accelerate the development of .us as an enabling framework for electronic commerce." The USPS said it would do this by providing "universal" access to geographically based electronic addresses (such as name@city.palo-alto.ca.us) for all U.S. residents.

As might be expected, the thought of bringing the USPS' particular brand of efficiency to cyberspace has not exactly been well-received. Critics of the plan, such as Mikki Barry of the Domain Name Rights Coalition, a nonprofit that lobbies for fair and open domain name practices, point out that the USPS has no relevant expertise in the area of top-level domain administration and argue that it would likely bungle the job.

If an amendment to the National Telecommunications and Information Administration Reauthorization Act proposed by Rep. Chris Cox (R-Calif.) passes, the USPS will have no role to play ▶

BRICKBATS

♦ Zannie Billingslea, assistant principal at Georgia's West Clayton Elementary School, is being sued for strip-searching 11 fifth-graders. According to the suit, $26 from student candy sales was missing, so Billingslea dropped his pants and underwear to show boy students how to strip for the search and threatened to take them to jail if they refused. A female teacher searched the girls. She testified that Billingslea held her in a school office for four or five hours until she agreed to change her story to shield him from blame. Billingslea is a former police officer.

♦ Does the First Amendment trump civil rights law? The city of Cincinnati must decide. It started when cab driver Hassan Taher refused to pick up Annie McEachrin. McEachrin is blind and has a seeing-eye dog. But Taher is a Muslim. His religion considers dogs unclean, and he wouldn't share his cab with one. McEachrin didn't think this was an excuse, and she filed a complaint, so now the city will have to decide if Taher can practice his faith on the job.

♦ Iranian law mandates the death penalty for several crimes, including apostasy. But some Iranians think the death penalty is barbaric, and they've called for its abolition. Iran's supreme leader has a warning for such people: Ayatollah Ali Khameinei says the death penalty for such crimes is ordered by the Koran. So anyone who questions the death penalty is a heretic who should be put to death.

Henry Payne

"HOW THOUGHTFUL.. FOR OUR 50th ANNIVERSARY YOU GOT ME GOLD SHACKLES."

in delivering e-mail. Cox doesn't just worry about USPS incompetence; he fears that the postal service would try to undercut competitors in a new area that threatens traditional mail. "We're concerned [the USPS] would leverage their existing monopoly and the advantages they have—not paying taxes, not being regulated the same way—to disadvantage their competitors," an aide to Cox told *Wired News* in August. "They've shown a willingness to play that game."

Sue the Bastards!

By Ryan H. Sager

Perhaps British computer users can help take down Microsoft. That seems to be the view of the U.S. Justice Department.

In an interview printed in the *London Observer* in August, DOJ lead attorney David Boies encouraged British citizens to sue the U.S.-based software giant, making use of a little-known statute regarding compensation for foreigners harmed by a "U.S.-based pricing conspiracy." The statute, though seldom used, entitles anyone outside the U.S. to the same compensation U.S. citizens would receive under antitrust law. So if the courts do find Microsoft guilty of anticompetitive practices, the DOJ wants the Brits to pile on. Furthermore, explained Boies, not every individual British purchaser of Windows would have to file suit—only enough to substantiate a class action. Using the estimate of a £10 overcharge ($16 U.S.), the *Observer* calculated that the windfall to British citizens would total about $482 million, making it lucrative for U.S. lawyers to represent them.

Boies' interview lends credence to a Senate Judiciary Committee suspicion that the Justice Department is encouraging foreign governments with weaker standards for antitrust violations to take legal action against Microsoft. In July 1998, three members of the committee asked Attorney General Janet Reno for a detailed account of Antitrust Division officials' contacts with foreign governments. Reno refused to answer on the grounds that Justice could not "divulge nonpublic information on pending law enforcement matters." A curious—and perhaps telling—response, since no such information should be contained in the materials the senators requested.

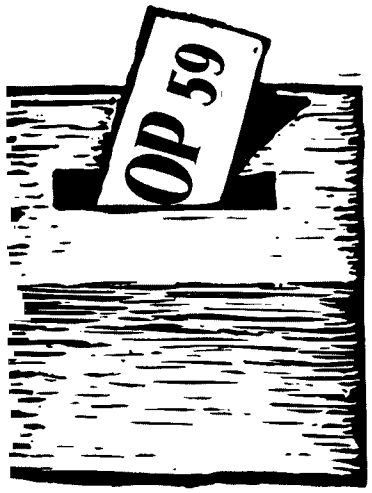
High Count

By Ryan H. Sager

Almost a year after the fact, a federal judge ruled this fall that Congress cannot suppress the results of Washington, D.C.'s Proposition 59, a 1998 ballot initiative to legalize medical marijuana in the District. Last November, exit polls showed the initiative winning with two-thirds of the vote. That potential outcome irked Congress and the president so

much that they passed legislation preventing the vote from being counted and certified. But now the vote has been properly tallied. The polls were right: Prop. 59 passed with a whopping 69 percent of the vote.

That's not to say Congress and the president will be bowing to the electorate's wishes any time soon. Because of the District's charter, the federal government retains the ability to overturn ballot initiatives and is expected to do so in this case. In fact, as of press time, the House of Representatives had already passed a bill to that effect.



Such an action would highlight the national government's indifference to voters' wishes and its conflict with state governments. California, Arizona, Washington, Oregon, and Alaska have already passed initiatives allowing marijuana or other controlled substances to be used in certain medical situations. This November, Maine will become the first state on the East Coast to vote on such an initiative; support for Question 2 there was hovering around 59 percent in early polls, and most observers assume it will pass easily. In 2000, Coloradans will vote on a medical marijuana initiative that has been held up by a court challenge. Also next year, Nevada will decide on a constitutional amendment legalizing medical marijuana (voters have already approved the measure once; under Nevada's constitution, amendments must be ratified twice).

SOUNDBITE

Witnessing Waco

By Michael W. Lynch

WYATT McSPADDEN

David Thibodeau lived at the Branch Davidians' Mount Carmel "compound," located just outside Waco, Texas, during the 1993 raids by the Bureau of Alcohol, Tobacco, and Firearms and the FBI—events that ultimately left 80 Davidians, including more than 20 children, and four federal agents dead. Thibodeau, one of nine Davidians to survive the raids—and one of four never charged with a crime—is co-author of *A Place Called Waco: A Survivor's Story* (Public Affairs). He recently talked via telephone with REASON Washington Editor Michael W. Lynch. For the full version of the interview, go to *Reason Online* (www.reason.com/bi/int-thib.html).

Reason: How did you get involved with David Koresh?
David Thibodeau: I was a drummer living in Los Angeles in 1990. I went into Guitar Center, and David Koresh and Steven Schneider were looking at a drum set and they asked me to play it. I ended up giving Koresh a call and we started to play music together. I was invited to come out to Mount Carmel during Passover season. I started to really see that there was something there.
Reason: During the siege, did you ever have an agreement with the FBI to come out?
Thibodeau: The first one was in the first three days. This is where David lost a lot of credibility. We were set to come out and David said, "God has told me to wait." So we didn't come out.
Reason: Did you ever feel that the confrontation with the government was the fulfillment of prophecies?
Thibodeau: All the time. I'll give you an example. We were tearing down the small houses [in the compound], in preparation of building up the big house. I was up on the roof, and David said, "What are you people going to do when the tanks are surrounding this building? When there are hundreds of agents out there. When the people of Babylon come to get us? What are you going to do then? Are you going to believe this truth?"
Reason: Was the government's behavior simply incompetent?
Thibodeau: I think that they were perfectly brilliant in orchestrating the total destruction of the building. It hid a lot of the evidence.

It's like they followed the guidebook for what wouldn't work. I don't know why they wouldn't listen to their psychologists or why they wouldn't listen to their undercover agent [who had infiltrated the Davidians], or why they wouldn't listen to their own negotiators. There was no one that said, "Stop. We need to back off and think about this. There are kids here. What we are doing is wrong."
Reason: Do you think Janet Reno has lied or was just lied to about Waco?
Thibodeau: I think she was lied to and used as a pawn. I don't think she lied outright.

On with the Show

By Ryan H. Sager

When budget constraints forced Citrus High School in Citrus County, Florida, to let an instructor go before this school year began, the principal decided to eliminate a drama teacher. So parents and students alike were extremely happy when Judy Poplawski volunteered to teach drama classes at the school for free. Not only was the price right, but Poplawski had directed the local Playhouse 19 Community Theater for years. She also ran popular summer acting ▶

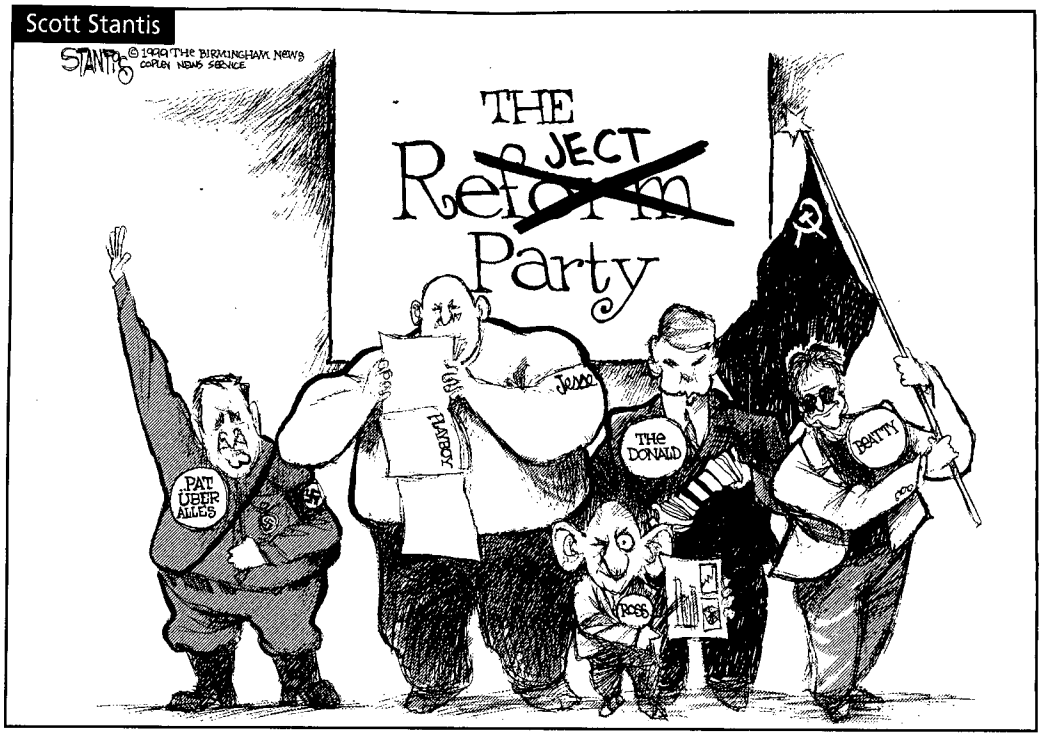
BRICKBATS

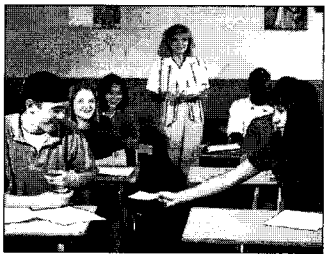
♦ Australia is setting up for the 2000 Summer Olympics, which will be held in Sydney. ASIO, the nation's domestic intelligence agency, is going for the gold in its own way. It has requested sweeping new powers to deal with any potential terrorism. It wants to be able to break encryption codes, place tracking devices on people and cars, and intercept courier packages. ASIO also wants to be able to get search warrants more easily. And it wants to be able to use the databases of the Australian Tax Office and Austrac, the agency that monitors financial transactions, all without a warrant.

♦ Apparently, Bill Clinton is not the only president who has been charged with exposing himself. In Cobb County, Georgia, school officials are busy ripping out reproductions of the famous 1851 painting *Washington Crossing the Delaware* from a fifth-grade history text. As a school principal explained it, a watch fob resting on the general's thigh looks suspiciously like "George Washington's private part." Officials from the Peach State's Muscogee County opted for less drastic measures. Taking a page from the Soviets, they merely painted over the offending detail. "We said some kids will never even notice it, but there's always going to be the one or two who are going to get everything started," explained an administrator.

—Charles Oliver

Scott Stantis

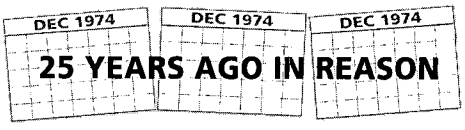




camps and had created several internship and scholarship programs. Several of her students have even gone on to Broadway.

One group affiliated with the school, however, was disturbed by the seemingly perfect arrangement: the local teachers union. The union argued that Poplawski should not be allowed to teach the classes. She's not state-certified, said the union, and those summer camps create a conflict of interest (exactly why that's so went unexplored).

Despite the union's opposition, Poplawski has been allowed to teach the classes and is apparently doing a fine job. But the incident suggests that student education is a low priority for the union. It also created a little morality play with the union filling the role of villain, and provided journalists with easy metaphors. "The union's concerns do not seem to me to be those of well-meaning people working for the benefit of students," wrote a columnist for the *St. Petersburg Times*. "It's time to fetch the hook and yank this thinly plotted sham from the stage." ◆



☛ "I start...from a belief in individual freedom, and that derives fundamentally from a belief in the limitations of our knowledge—from a belief in the idea that nobody can be sure that what he believes is right, is *really* right."

"The case for free enterprise, for competition, is that it's the only system that will keep the capitalists from having too much power....The virtue of free enterprise capitalism is that it sets one businessman against another, and it's a most effective device for control."

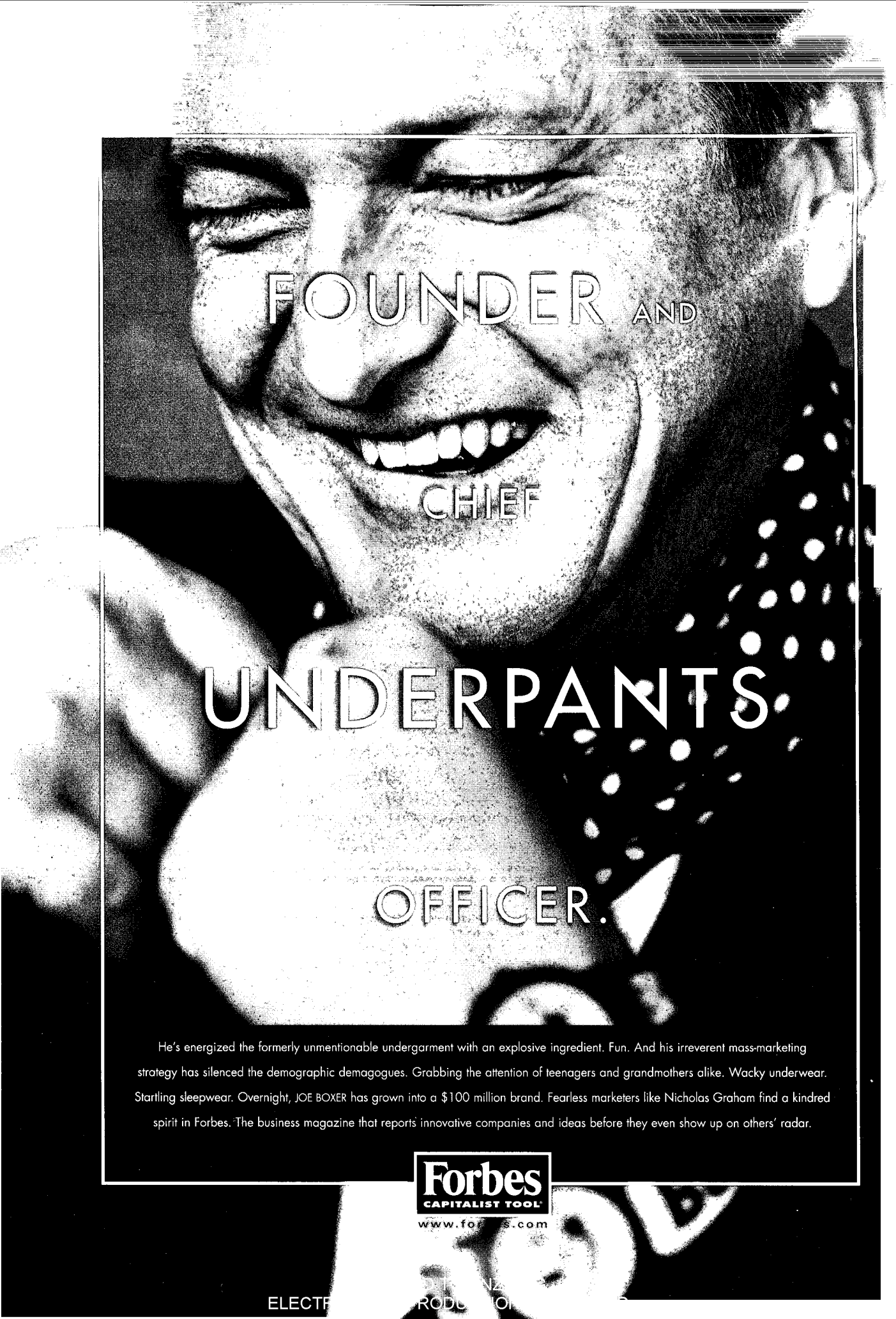
—"An Interview with Milton Friedman"

☛ "It is well to remember that there is no such thing as a free statistic."

—Ronald H. Coase, "Economists and Public Policy"

☛ "[Gandi's] philosophy was an odd mixture of libertarian and socialistic views. On one hand he concurred with Thomas Jefferson in pronouncing that the best government was one that governed least. On the other hand he hoped for a classless society which would grant a doctor and a street-sweeper equal remuneration."

—Prakash Aswani, "Indian Politics"



He's energized the formerly unmentionable undergarment with an explosive ingredient. Fun. And his irreverent mass-marketing strategy has silenced the demographic demagogues. Grabbing the attention of teenagers and grandmothers alike. Wacky underwear. Startling sleepwear. Overnight, JOE BOXER has grown into a $100 million brand. Fearless marketers like Nicholas Graham find a kindred spirit in Forbes. The business magazine that reports innovative companies and ideas before they even show up on others' radar.

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Straight Dope

In which our man in Washington hears blunt talk on taxes, education, and drugs

By Michael W. Lynch

Date: Tues, Sept 14, 1999 7:06:03 AM
From: mlynch@reasondc.org
Subj: Tax Relief

Congress is back from vacation, D.C. is again in perpetual motion, and I'm on the circuit. I spent the morning at the American Enterprise Institute absorbing a panel discussion on "America's Disconnected Youth," roughly defined as those 16-to-23-year-olds who have the good sense to be neither employed nor in school nor married for at least a six-month span. I would return to AEI at 5:30 p.m. to catch a lecture from Jean Bethke Elshtain on "The Clinton Scandal and Civic Discourse."

For the time being, I was happy to be sitting in the basement of the Hunan on Capitol Hill restaurant, working on a plate of fried rice, General Tsao's chicken, and beef with black bean sauce. My host was "The Monday Club," a mostly conservative group that meets on random Mondays to hear speakers and enjoy lively conversation. Late Friday I had received a personalized e-mail message with the subject line, "Free Lunch." Today's speaker was J. D. Foster, executive director of the Tax Foundation, who told us that the $792 billion tax cut the president vetoed was mostly a scam—we wouldn't have pocketed the money anyway.

I'm not sure if Foster, one of the few people who has actually read the tax bill, was trying to cheer us up, or depress us, as he laid out the facts. In the bill's first three years, Americans' taxes would have dropped by a measly $47 billion, less than 6 percent of the advertised loot. In the first five years, the cut would have amounted to a mere $155 billion. Reagan's 1981 tax cut hacked taxes by 3.4 percent of GDP, while this pathetic bill, even if fully implemented, would have reduced taxes by only 0.3 percent of GDP, according to Foster. By my calculation, that makes Reagan more than 11 times the man of any of the congressional Republicans.

"Where's the outrage?" Foster asked, as John Gizzi of *Human Events* nodded off at his front-row table. Another man was sleeping at the bar. Foster then answered his own question. The increased taxes are coming from increased earnings. Even though people may have to give Uncle Sam $310 of the next $1,000 they earn, instead of $280, they are still $680 better off.

"Prosperity has become the enemy of liberty," said Foster. "Marx had it wrong. Religion isn't the opiate of the masses—prosperity is."

Date: Mon, Oct 4, 1999 5:27:47 PM
From: mlynch@reasondc.org
Subj: Pro-Dope Governor at Heritage

Cabbed over to the Heritage Foundation today to catch a speech by New Mexico Gov. Gary Johnson. Perhaps you've heard of him: He's the confessed toker of dope and snorter of cocaine who has called for legalization of drugs. Drugs and Heritage don't really mix, so not surprisingly he was speaking on school choice. (Cato and drugs do mix, so Johnson is slated to keynote a conference there tomorrow.)

Johnson was treated to an enthusiastic introduction from Heritage's Becky Norton Dunlop. As Johnson sat upright, his tie glimmering with psychedelic overtones—a blend of purple and raspberry, with a flicker of yellow—Dunlop listed the governor's accomplishments. He's cut taxes, privatized prisons, reformed welfare, and handed pink slips to bureaucrats. There was no mention of his recreational drug use, although she didn't neglect recreation. Johnson has finished the Iron Man Triathlon twice and was set to go a third round in three weeks. After he leaves office in 2002, he plans to climb Mount Everest.

"No one ever asked me to run for office," said Johnson, whose chiseled orange-tan face and triangular right ear make him resemble an anemic jack-o-lantern. His philosophy on being governor: Get in, make a contribution, and get out. His biggest fear: leaving office thinking "could've, should've, would've." If he accomplishes three things he'll have no regrets: implement a statewide system of universal school vouchers; decrease the income tax; and rethink the war on drugs. It might be time for libertarian pilgrimages to Santa Fe to worship the Great Pumpkin.

I don't know what spurred his latest media push; perhaps it's Ventura envy. I don't really care. This guy has a message that people need to hear—and a delivery style that can hold their attention. He would challenge himself with an assertion by someone trying to trip him up, and then he'd address the challenge passionately.

"Governor," he started out, "vouchers will take money away from the public schools." Not so, he responded. New Mexico currently spends $5,500 per pupil. His voucher would give each child only $3,500. Hardly a net, per-student loss to the government-school system. He would look at the audience, fix his glistening blue eyes on someone, and let loose. "Whether a cardiothoracic surgeon or an intravenous drug user," he declared at one point, "parents care about their kids."

As you can see, he also managed to

HENRY PAYNE

blend his issues. During Q&A, a reporter asked if he wasn't detracting from his education message by developing a reputation as a radical who wants to legalize black tar heroin. "I hope the reputation I'm getting is one for telling the truth," he shot back to the hushed crowd.

The truth he thinks he's telling is that if drugs were legal, people would use less of them. If I heard him correctly, I think he has it a bit off. It's not that people would use fewer drugs—the cost of drugs would decrease, so people would no doubt use more. It's that drugs would be less destructive to individuals, since they wouldn't have to lie, cheat, and steal to use them on a regular, if not recreational, basis.

At any rate, he got back on track. "Everything I've done is a cost-benefit analysis," he said. "All of the money we are spending on drugs, we can do better." With that, someone in the Heritage crowd released a hushed whistle, the kind that indicates you're in the presence of someone who is really out there.

Date: Tues, Oct 5, 1999 4:29:02 PM
From: mlynch@reasondc.org
Subj: Celebrating Drugs at Cato

Just after noon, *National Review's* John Miller and I were sitting in the Cato Institute's F.A. Hayek Auditorium killing time and discussing drugs. I was studying the head of a fellow in front of me, whose thin and wispy white hair recalled Timothy Leary, while the patch of hair hanging onto his lower lip reminded me of the late Frank Zappa. Miller was concentrating on a guy from *High Times*, who had aqua hair, black nail polish, and more body piercings than I do. John noted that this is the "closest thing to a freak show you get at Cato." That, of course, was another way of saying this is about as close to a freak show as you get in Washington think tanks.

The room filled up. Gov. Gary Johnson took the stage. Johnson's tie was again brilliant, but yesterday's psychedelic purples had given way to a bit tamer blend of blue. This was perhaps a safety precaution, since flashbacks, while unheard of at Heritage, are well within the realm of possibilities at a Cato drug conference.

Cato President Ed Crane called Johnson, for whom the governorship was an entry-level political job, a "walking advertisement for citizen politicians." Crane noted that Johnson has vetoed more than 500 laws—more than all previous New Mexico governors combined—and that he's sent 1,300 New Mexico public employees packing.

That means he fired another 100 yesterday, noted Miller, who was also at Heritage, where the number was a mere 1,200. Early in his speech, Johnson said he would be competing in his third Iron Man in two-and-a-half weeks. Yesterday, it was three weeks. Two possible explanations for these discrepancies: 1) Things are always just a little bit better at Cato, 2) the longer one stays in Washington, the better one's story becomes.

As he did for education, the governor would ask himself a question and come up with an answer. "What do you tell the kids?" he posed early on. "Tell them the truth," he replied to himself unflinchingly. "If we legalize drugs, we might be a healthier society."

When Johnson first ran for governor, he admitted he had smoked pot. "Oh, so you experimented," replied reporters. "No," he said. "This is something me and my buddies did. We enjoyed what we did."

He declared that legalization would be a dynamic process, and that it would bring up new problems as well as solving old ones. There'd need to be new regulation and new laws, establishing age restrictions and such. But there will also be new opportunities. Police, for example, could focus on other offenses, such as "litter, speeding, and burglary."

He humanized the issue: Seventy-five percent of drug users, he said, are white people with jobs. That's a population to which I can certainly relate. Some of my best friends are white guys with jobs. He refused to demonize dealers. "A profile of a pusher," the governor said, "is your friend who happens to sell enough marijuana to support his habit." A good friend indeed.

As Crane sat looking up intently at the orange-faced governor, Johnson ripped off some more crowd-pleasing riffs. Declared Johnson: "Let the government manufacture [drugs], grow [drugs], and distribute [drugs]. If that doesn't lead to decreased use, I don't know what will."

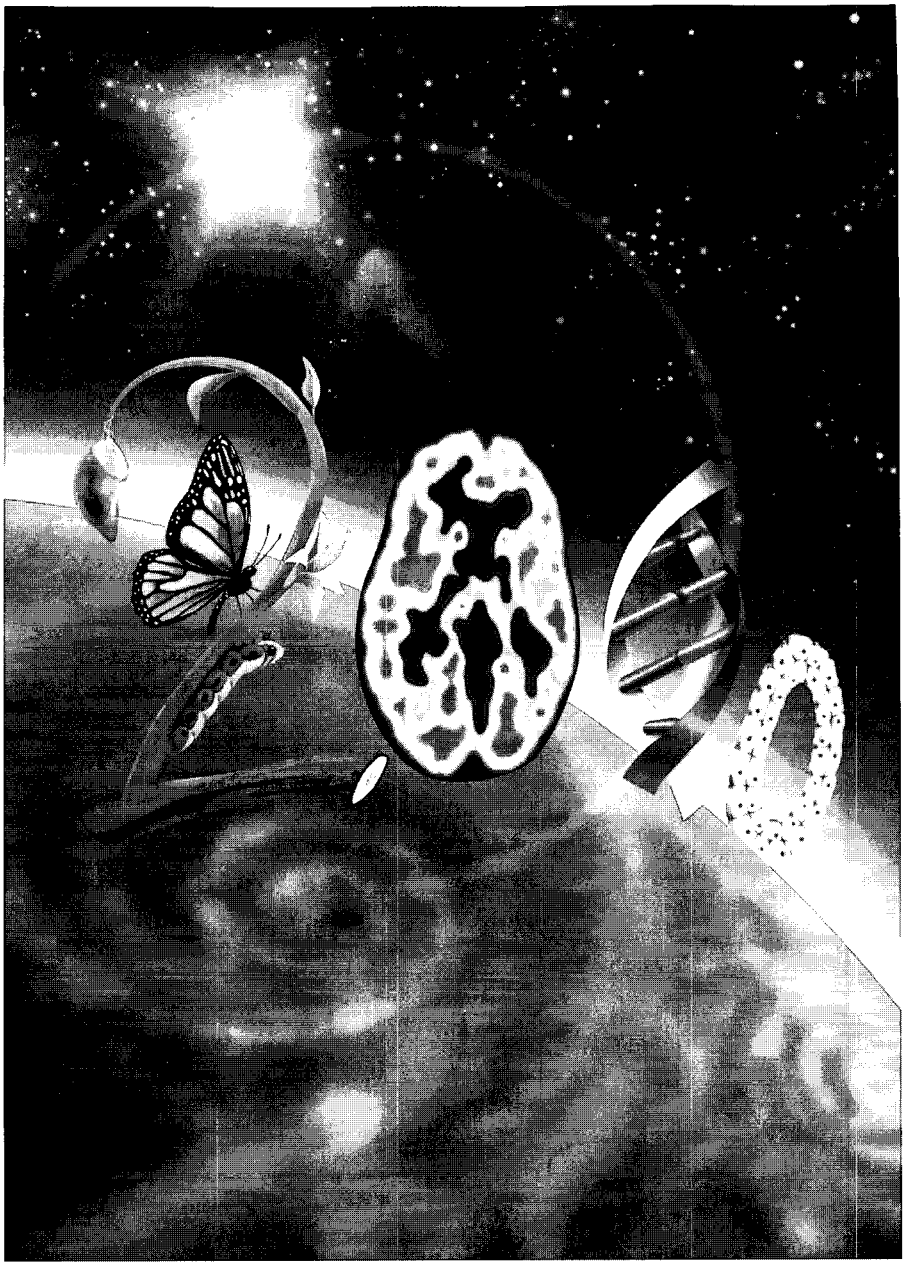
This faith in government incompetence appears to be the reason why Johnson feels that drug use wouldn't go up if drugs were legalized and regulated. I still have to doubt him here. The government has gone up against the downward-sloping demand curve many times, and it's lost in each instance. Still, why get hung up on particulars? We've got a two-term governor ridiculing not only government, but its drug war as well.

Johnson was playing for the home fans, having saved these folks the expense of a pilgrimage to Santa Fe. He got a standing ovation upon introduction, he was often interrupted by applause, and he finished to an even more enthusiastic standing ovation.

He called drugs a "handicap" many times, and made it clear that he no longer does them. "I don't do drugs. I don't do alcohol. I don't do candy bars," said the athletic governor. Nevertheless, he was adamant about the pleasure they once provided. One of the first things he told reporters in his first gubernatorial race, he said, was that he had smoked pot. They replied, "Oh, so you experimented." "No," he said. "This is something I did—me and my buddies, we enjoyed what we were doing."

He closed with a story to illustrate the issue's crossover appeal. Two old ladies recently approached his table while he was eating in a New Mexico restaurant. "'We're teachers and we think that your voucher idea sucks,'" Johnson quoted them as saying, hunching over slightly and raising his voice in a creaking manner so as to simulate advanced age. "'But your idea on drugs is right on, right on.'" Oh yeah.

FUTURE SHOCKS



MIYUKI SENA

Great books for the biological century

In the November 1995 issue of REASON ("Biology 2001"), Gregory Benford declared the end of the era of physics and the coming of the biological century—not only in science but in the way we think. "Beyond 2000," he wrote, "the principal social, moral, and economic issues will probably spring from biology's metaphors and approach, and from its cornucopia of technology. Bio-thinking will inform our world and shape our vision of ourselves."

Four years later, bio-thinking is everywhere: on the health-and-genetics-obsessed covers of news magazines, in the metaphors informing debates over Internet governance, in the worried murmurs of Washington intellectuals. Daytime talk shows debate the merits of multiple births caused by fertility drugs. Conflicts over gay rights revolve around nature/nurture arguments. A trade war between the United States and Europe threatens to break out over the issue of genetically modified food.

In a 10th-anniversary review of his famous "End of History" article, Francis Fukuyama declares its thesis flawed only because genetic engineering threatens to end fixed human nature. "At that point," he concludes, "we will have definitely finished human History because we will have abolished human beings as such. And then, a new, posthuman history will begin." (Meanwhile, prominent reviewers of Fukuyama's latest, far less radical, book, *The Great Disruption*, find its biological interests beyond the pale.)

The line between "natural" and "artificial" has become a matter of urgent political concern. Issues of genetic determinism, evolutionary psychology, and brain physiology have spilled into moral philosophy. Questions of social and political order have become fraught with biological meaning—and vice versa.

At the dawn of the biological century, we've asked contributors to our annual book symposium to suggest works of fiction or nonfiction that provide insight into the meaning, promise, threats, challenges, or opportunities of such a world—and to explain why these books are important.

Bruce Ames

In 1780 Benjamin Franklin wrote to Joseph Priestley, the chemist, biologist, and minister: "I always rejoice to hear of your being still employed in experimental researches into nature and of the success you meet with. The rapid progress true science now makes, occasions my regretting sometimes that I was born too soon. It is impossible to imagine the height to which may be carried, in a thousand years, the power of man over matter. We may, perhaps, deprive large masses of their gravity, and give them absolute levity, for the sake of easy transport. Agriculture may diminish its labor and double its produce: all diseases may by sure means be prevented or cured, (not excepting even that of old age,) and our lives lengthened at pleasure, even beyond the antediluvian standard. Oh that moral science were in as fair a way of improvement, that men would cease to be wolves to one another, and that human beings would at length learn what they now improperly call humanity."

Biology is making amazing progress with help from the genomics/DNA-chip and computer/Internet revolutions. Those of us in the thick of this progress believe that it will have an enormous impact on health and agriculture. Will the powerful methodology of biology illuminate moral science? This question, which would have interested both Priestley and Franklin, has been tackled in Edward O. Wilson's beautifully written book *Consilience: The Unity of Knowledge* (Random House, 1999).

I am attracted to some of Wilson's evolutionary ideas about the unity of knowledge and the biological roots of moral behavior and religion, but I think he gets environmentalism and economics somewhat wrong. As one of the leading biologists of our day, he is justifiably concerned that the burgeoning human population will eliminate many of the world's species. He has too rosy a view of environmentalist

panaceas, however, and fails to appreciate the insights of economists concerning the ability of free markets to deal with this problem.

Such issues are addressed more cogently by Peter Huber in his eloquent and thoughtful new book, *Hard Green: Saving the Environment From the Environmentalists* (Basic Books, 2000). Huber's manifesto skewers most of the current environmentalist proposals as counterproductive and makes the case for markets and wealth, rather than bureaucracy and poverty, as the correct path to preserving species, the environment, and human life. My own work on cancer prevention (see socrates.berkeley.edu/mutagen) has convinced me that the environmentalist campaign to eliminate all traces of synthetic industrial chemicals and pesticides is misguided. This crusade and the new one against genetically engineered food are distractions from the real causes of cancer and other diseases, such as unbalanced diets and smoking. These distractions hurt poor people and the environment.

As Thomas Jefferson, another polymath and a friend of both Priestley and Franklin, said in 1789: "[Science] is the work to which the young men should lay their hands. We have spent the prime of our lives in procuring them the precious blessing of liberty. Let them spend theirs in showing that it is the great parent of science and of virtue; and that a nation will be great in both always in proportion as it is free."

Bruce Ames (bnames@uclink4.berkeley.edu) is a professor of biochemistry and molecular biology and director of the National Institute of Environmental Health Sciences Center at the University of California, Berkeley. He won the U.S. National Medal of Science in 1998.

Ronald Bailey

Sociobiology: The New Synthesis (Harvard University Press, 1975), by Harvard biologist Edward O. Wilson, will be considered one of the more prescient and seminal texts pointing to the 21st-century revolution in genetics and neurobiology. In *Sociobiology*, Wilson drew together a vast amount of research to prove that behavior, like the physical bodies of animals, is determined by genes. In fact, distinct behaviors can be considered in some sense to be external "organs" that help an animal survive and adapt to its environment. The behaviors influenced by genes include mating habits, warning calls, territorial defense, and foraging techniques.

Wilson's presentation of the research on animals was magisterial in scope, covering everything from social insects to gorillas. But his book met with fierce resistance from intellectuals because he dared to include a chapter that extended his genetic approach to the behavior of human beings. The notion that some human behavior might be strongly influenced by genes was anathema to the prevailing social science conceit of the time that the human psyche was culturally determined and thus infinitely malleable.

Ultimately, Wilson's intellectual sin was to claim that there is a core "human nature" that arises from our genes. If there is a human nature, then certain utopian social schemes, usually promoted by the left, would be impossible to implement. For example, Wilson pointed out that genetics strongly undermined the notion that altruism could be inculcated throughout a society, if only the proper social institutions were adopted. His work also suggested that "biology is destiny" with regard to some of the persistent psychological differences between men and women. And although he did not himself follow his findings to their logical conclusion, Wilson's work hinted at how a genetically based territoriality could evolve into the institution of private property.

To the extent that we don't like behaviors toward which our genes predispose us, we will be able to change them at the most basic bio-chemical level. In a sense, human nature can become what you want it to be.
—Ronald Bailey

Sociobiology has weathered firestorms of criticism, and 25 years later many of its insights have been backed up by further research into human genetics. Although human minds and cultures are extremely flexible, biology is increasingly finding that there is indeed a human nature that has a genetic basis. Researchers are discovering more and more genes that predispose their bearers to a variety of behaviors and characteristics, including risk taking, homosexual activity, and high intelligence. This list is growing and will certainly expand dramatically as geneticists begin to explore the new terrain that the Human Genome Project will shortly open.

Of course, no one gets the future exactly right. Wilson thought that it would be 100 years before scientists obtained a detailed understanding of the genetic basis of human psychology. At the current pace of research, it will probably take a lot less time than that. Also, Wilson, ever the Harvard academic, thought that uncovering the principles of sociobiology would lead inevitably to the "planned society." Yet understanding the genetic underpinnings of the human mind could instead lead to an unprecedented expansion of human autonomy. To the extent that we don't like the behaviors toward which our genes predispose us, we will be able to change them at the most basic biochemical level. In a sense, human nature can become what you want it to be.

"We are compelled to drive toward total knowledge, right

down to the levels of the neuron and the gene," Wilson wrote. "When we have progressed enough to explain ourselves in these mechanistic terms, and the social sciences come to full flower, the result might be hard to accept." Wilson was bleakly assuming that biology would only show us the behavioral cage in which we are confined by our genes. But such knowledge may also give us the key that opens the genetic cage to a new, and unsettling, world of freedom.

Ronald Bailey (rbailey@reason.com) is REASON*'s science correspondent.*

Gregory Benford

When confronting immense issues stretched over long times—and a century is now as much a cultural chasm as a millennium was in the ancient world—I believe in going back to the classics. There is no better guide to worried regard of the future than Aldous Huxley's 1932 novel *Brave New World.* With its social control induced by the drug Soma and its endless diversion of the consuming masses with the hypnotically entertaining "feelies," this vision foretold a pharmaceutical dystopia we will quite probably find within our grasp within a few decades. Its roots lie all about us, from the entertainment culture to the social engineers who want to medicate away our modern anxieties.

The novel uses a template plot: the Savage who represents Natural Man, the aborted revolutionary urges, the overweening learned classes. It is instructive to see how such problems looked to a generation far removed from ours and to realize that an equally distant generation will confront the issues growing from laboratory work beginning now. We take that long to get our bearings, and by then the landscape has changed. Huxley's anxieties resemble ours, as those of a generation hence will echo but not replicate ours. They could well be worse, particularly in the area of personal freedom.

As a counterpoint, read Gina Kolata's 1998 *Clone* (Penguin), a close-up look at the furor arising from Dolly the sheep, an exact genetic copy of her mother. The media hysteria that has been aroused by cloning since a phony announcement of human cloning back in 1978 is a warning to us all. As an identical twin, I have always taken it somewhat personally that people believe cloning is unnatural, especially since it is older than sex.

Kolata shows how Chicken Little journalism routinely turns biological news into shock-horror features without regard for facts. When Dolly splashed across the headlines, journalists did not bother to consider the thoughtful anticipations of this development, as in Pamela Sargent's 1976 collection *Biofutures* (Vintage). Still less did they care to explain to the public the severe limitations of cloning, preferring to show pictures of multiple Hitlers marching off to future wars.

These two books remind us that we will have to defend the fundamental liberty to control our own bodies—and not just the reproductive parts—against alarmists who will demand state control to enforce their own preferred norms. The hue and cry will begin with parents wanting to edit out traits in their children, including heritable diseases and physical defects. The big crunch will come when parents want to edit in desirable traits such as height, reflexes, and beauty. And why should they not?

This argument, which lies beneath the surface of Huxley's novel, will resound through the next century. In the end, it will be about freedom. The press will help little. We will have to do the job ourselves.

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Daniel B. Botkin

Nature will be different in the next, biological century. In part this is because nature always changes. In part it is because we are greatly altering the landscape and the environment. In part it is because our perception of nature is undergoing a radical transition, so it will *seem* different no matter what its actual condition. New technologies and scientific discoveries will greatly alter this perception. What will it mean to conservation of endangered species when we can clone animals and plants? What will it mean to "restore" or "preserve" a wilderness or famous endangered habitat if nature is always changing?

One important recent book about the implications of such ideas is *The New Ecological Order,* by the Sorbonne philosopher Luc Ferry (University of Chicago Press, 1995). Ferry discusses the implications of "deep ecology," a late-20th-century environmental movement. He says the ideas of this movement represent the first major counter to the Cartesian, democratic, individualistic, human-oriented civilization that has been characteristic of the West for the past three centuries.

Deep ecology draws on the findings of the modern science of ecology, specifically the observation that life appears to be a planetary phenomenon and that therefore the persistence of life depends on the whole-earth life support system, the biosphere. Taking this as a premise, deep ecology proposes that the prime moral imperative is to preserve the biosphere. Completely inverting the usual moral hierarchy, it places nonsentient creatures lower, but next in moral value to the biosphere, because they are part of nature's machinery and cannot think about it and screw it up. Human beings, with our consciousness, reason, and innovation, can mess up the biosphere and therefore rank at the bottom of the moral order.

Ferry argues that this movement challenges the very assumptions that have led to scientific and technological progress, which our society tends to believe will continue indefinitely. Deep ecology calls for a reduction in the number of people, possibly as an intentional action. For those who believe that the free enterprise system is bound to continue and that Western civilization is not fragile, Ferry's book is must reading.

Mindful of George Santayana's warning that those who forget history are bound to repeat it, I recommend *Traces on the Rhodian Shore* by the great 20th-century geographer Clarence Glacken (University of California Press, 1967). This long and scholarly book traces the history of the idea of nature from the

Greeks to the 18th century. Those who do not want to read the whole tome can skim it for insights into specific centuries and for general ideas. It is a landmark work that would be of great influence if it were better known. Written about 30 years ago, it remains in print in paperback.

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Both Forster and Huxley warn of human hubris that increasingly cuts us off from nature and the rest of the animal world. Both express acute skepticism about our wisdom in dealing with our own inventiveness.
—Daphne Patai

Deirdre N. McCloskey

"Nature vs. nurture," like many ideas by the time they get into the newspapers, has a musty smell. In 1910 it was hot intellectual news: J.B. Watson's behaviorism (1913) vs. Franz Boas' cultural relativism (1911). In those days it was "the race is the mother of us all" vs. "the child is the father of the man." Karl Pearson and other Darwin-tinged eugenicists were ranged against Sigmund Freud and other Rousseau-tinged psychologists. Choose up sides. Are you a social Darwinist or a social engineer? Conservative or liberal? Getting mustier and mustier by the decade, the dispute has dominated the century of fascism.

The ideas mattered. Notions of natural intelligence (one number, please) got us laws to sterilize the feeble-minded, not to mention the Holocaust. Notions of psychological determinism, from the other, nurturing side, got us the all-purpose ethical cop-out of our age. A *New Yorker* cartoon shows a woman on the witness stand: "True, my husband beat me because of his childhood; but I murdered him because of mine."

The way out of the dichotomy has been a revival of an even mustier word, *character*. The Greek is *ethos*, as in our word *ethics*, and one version of the revival has been the "ethics of the virtues." It is the only field of professional philosophy in which women's voices are dominant: Elizabeth Anscombe, Susan Wolf, Iris Murdoch, Philippa Foot, Annette Baier, Carol Rose, Martha Nussbaum, Nel Noddings, Joan Tronto. Read 'em, and get a new—or very, very old—conviction that we make our own characters as much as genes and upbringing make us.

Another version of character, in the sense Ben Franklin or Jane Austen understood it, can be seen in the proliferation of women's autobiographies. Male critics are embarrassed by them, even when they are beautifully written, but the books sell (to women). It's the Age of the Candid Memoir, such as May Sarton's *Journal of a Solitude* (Norton, 1973), Annie Dillard's *The Writing Life* (HarperCollins, 1989), Jill Ker Conway's *True North* (Vintage, 1995), Kathleen Norris' *Amazing Grace* (Riverhead, 1998), Eva Hoffman's *Lost in Translation* (Penguin, 1989), and Nancy Mairs' *Voice Lessons* (Beacon, 1994).

I've just written *Crossing: A Memoir* (University of Chicago Press), about my transition from man to woman, and I'm now writing a book called *Bourgeois Virtue* on how the middle class makes its character. Nature or nurture? I've learned, of course, that it's both—and this third thing, character.

I was born with XY genes and raised a boy in the 1940s and '50s. But in the 1990s I allowed another, feminine character to grow. The experience is like that of a snail, who makes her shell and is then constrained by it. If she were human we would call her shell her free will—against the dual determinisms of nature and nurture. The next, biological century will be the century of such freedom. For which God be praised.

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Lorenzo W. Milam

DNA technology is going to affect our food production, our medical practices, and, if speculative writers like Francis Fukuyama are right, the very nature of humanity. This is therefore a subject about which it might be important to learn a little.

A good place to start is the Web site of the International Forum on Genetic Engineering: www.anth.org/ifgene/index.htm. It contains book lists, articles, and links to many other relevant Web sites. These include an invaluable archive of resources at www.anth.org/ifgene/sources.htm.

A critical discussion in print can be found in *The Future of DNA* (Kluwer Academic, 1997), the proceedings of a symposium of mainly European scientists, philosophers, and other scholars held in Switzerland. It ranges from technical to medical to educational to ethical issues and presents a variety of view-

points, some very skeptical, about the brave new genetically re-engineered world to come.

This subject cries out for an imaginative as opposed to academic treatment. But so far, contemporary science fiction has produced only shlock in this area. The great imaginative classic of the genre remains *The Space Merchants* by Frederik Pohl and C.M. Kornbluth, written almost 50 years ago and currently out of print. Although it contains nothing about DNA technology, it ingeniously projected the biotechnology of its time into the future.

For example, Pohl and Kornbluth imagined a future in which food for the greatly increased human population would be produced by mass cultivation of photosynthetic algae in the tropics and large-scale tissue culture of mammalian cells. These forecasts were part of a coherent picture of a world in which resource substitution had met the challenges of resource depletion. In line with this picture, the world of *The Space Merchants* is one in which the rationality of the market finally pervades all of human life. It reads like a primer for our times. An equally trenchant work of imagination that includes the impact of DNA technology remains to be written.

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Daphne Patai

Of the extensive utopian and dystopian literature that I both teach and study, two works of fiction from the early 20th century seem to me of increasing relevance at this turn of the millennium. The first is E.M. Forster's short story "The Machine Stops," originally published in 1909. The second, published a generation later, is Aldous Huxley's famous anti-utopian novel *Brave New World* (1932).

I never fully appreciated Forster's story until I began to use e-mail and experienced for myself the lure of sitting alone and having the world brought to my screen. Forster's story depicts precisely such a future, in which people everywhere live in individual, identical underground cells, entirely cut off from the world above, their needs and desires satisfied by the Machine, which provides not only food but health care, entertainment, communication with others, and so on. Most fascinating about Forster's vision are two aspects. One is a kind of horror of the body and of the physical presence of others that this entirely mechanized, uniform, and mediated way of life induces. The other is the impulse to worship the Machine as a god. The story's chilling conclusion—depicting the slow breakdown of the Machine and the fate of its dependent population—should give us pause.

By contrast, *Brave New World* is feverishly astir with sexual promiscuity and diversion through avid consumption of consumer goods and mood-altering drugs. People think in clichés and piously recite slogans on every occasion. Drawing on J.B.S. Haldane's 1923 essay "Daedalus: or, Science and the Future," Huxley deplores what Haldane celebrates: the scientist as the ultimate social planner. In Huxley's vision the intrusion of biotechnology occurs most forcefully at the early stages of life, through genetic engineering (including cloning), physical and behavioral conditioning of the ensuing test tube fetuses and babies, and endless propagandizing—techniques that produce a rigidly stable society of self-satisfied castes. "That is the secret of happiness and virtue," writes Huxley: "liking what you've got to do."

Mother and *father* are considered smutty words, evoking embarrassed giggles. Intense feelings are released through "surrogate" experiences. Physical decline is unknown, and death is as carefully orchestrated as birth. As Huxley says in the novel, "There isn't any need for a civilized man to bear anything that's seriously unpleasant."

Today we are well aware of the world-altering possibilities of reproductive technologies and genetic engineering, but we have not yet begun to think through the implications in terms of work roles and social structures. Huxley presents a coherent vision of one path biotechnology may invite us to take.

Though in some ways at opposite poles, both Forster and Huxley deal with issues that were future possibilities in their time but have become the everyday reality of ours. Both warn of the dangers of a way of life in which human hubris, knowing no bounds, increasingly cuts us off from nature and the rest of the animal world. Both express acute skepticism about our wisdom in dealing with our own inventiveness. Both raise profound questions about what it means to be human in a technologically sophisticated age.

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Thomas Petzinger Jr.

It's becoming fashionable to say that business is like biology. As William C. Frederick shows in *Values, Nature, and Culture in the American Corporation* (Oxford University Press, 1995), this is an understatement: Business *is* biology, a fact we're wise to consider on the threshold of neo-biological civilization. Frederick is not your typical former business school dean. For one thing, he is trained in anthropology as well as economics. For another, he's widely regarded as the father of the business ethics field of study, a platform from which he hails the power of business and technology to create a better world.

This book shows how business is rooted in, and fully arises from, natural origins. Frederick shows that business is a construct of nature, a product of the dynamics of biology itself. For instance, the core action of all life includes economizing—doing more with less. From this trait, which is genetically encoded in humans, spring all tools and all institutions designed to satisfy

material needs. "Among all of the wondrous complexities of life on earth," Frederick writes, the greatest include the values that generate technology, enabling "human life, in all of its variety, to exist and persist in the face of entropic forces."

In a similar vein, Christopher Alexander's *The Timeless Way of Building* (Oxford University Press, 1979) argues that architecture, too, is biological. Correction: *Good* architecture is biological, because it emerges from the natural conditions in which it exists, including the people who use it. This book was written before terms like *co-evolution*, *self-organization*, and *fractal* attained wide currency, but the concepts are all here. Writing of windows and gates, town squares and nation-states, Alexander says the most useful and beautiful things are made by people repeatedly applying a few simple rules to constantly varying surroundings—much as nature iterates its world. "Just like the genetic process which creates the flower," he writes, "this process must allow each person to shape his corner of the world, so that each building, each room, each doorstep, is unique according to its place in the whole—but with the built-in guarantee that the town which emerges from these independent acts will also be alive and whole."

Alexander doesn't use the living world as just some hippie-dippie metaphor for timeless beauty in the built world. "The connection between the two—between this quality in our own lives, and the same quality in our surroundings—is not just analogy, or similarity," he says. "The fact is that each one creates the other."

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With the media promising a holocaust of "emerging diseases" and an even more horrible epidemic of cloned Elvises, it's hard to know whether we'll die from out-of-control viruses or from sheer embarassment. —Ed Regis

Eric Rabkin

Ever since the opening line of the original preface to Mary Shelley's *Frankenstein, or The Modern Prometheus* (1818), science fiction has helped us explore "event[s]...not of impossible occurrence." There were two main Prometheus legends: Prometheus *porphyros*, the fire bringer, archetype for all those who use technology to put the power of the gods in the hands of men, and Prometheus *plasticator*, the life giver, shaper of humanity. Emotionally arrested Victor Frankenstein played with biology—reanimating dead flesh, creating a descendent without the messy help of a woman—and so offered one classic challenge: How can society accommodate a single individual empowered to reshape, even resurrect, our very bodies? At the verge of the third Christian millennium, such a development is far from an impossible occurrence.

But we have learned that only rarely can an individual wield such power: The road to technomancy is long and crowded. If one arrives alone, one is merely moments ahead of the crowd. How will the crowd deal with reshaping? Two provocative books treat this question: Neal Stephenson's *The Diamond Age or, A Young Lady's Illustrated Primer* (Bantam Books, 1995) and Bernard Wolfe's *Limbo* (Random House, 1952).

The Diamond Age, an enormously popular book, bursts with nanotechnology. Shrinking computers and transmitters to corpuscle size or smaller makes them injectable. They can commingle with existing brain cells, giving us the ability to think high-speed calculations, communicate telepathically, and receive prefabricated dreams. Self-replicating nanomachines repair limbs, pass like viruses during sex, and create new, tailored lineages. If the mitochondria in human cells were once free-living organisms but are now part of our "biology," will the technology that grows within us be any less biological? When we can program biology, will we still be human?

While Stephenson offers a sweeping adventure focused on a few characters in culturally distinct future "phyles," Wolfe understands that the existence of biotech is not the same as universal access to biotech. In the world of *Limbo*, a too-little-read, stunning satire of middle America, advanced prosthetics include atomic-powered minimotors in artificial joints, so that the amputee Olympics overshadows traditional competition. Soon amputation becomes voluntary...for those who can afford it. Are you a quad? Top of the heap. But whose heap? What does it mean to be a human whose very flesh is foreign to oneself and, in a sense, to everyone else?

The new biology will give us choice, and therein always is glory and danger.

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Ed Regis

At the end of the century it's hard to know whether we'll die from out-of-control viruses or from sheer embarrassment. Books, movies, and other media promise both a coming viral holocaust of AIDS, Ebola hemorrhagic fever, and miscellaneous other

"emerging diseases," and an even more horrifying epidemic of cloned Elvises, Madonnas, and Liberaces, in consequence of which the human future looks glum indeed. Two books published within the last five years present a slightly different perspective: Both are no-nonsense works firmly grounded in scientific fact, and both exude optimism steeped in the idea of progress through high technology and applied science.

Clone: The Road to Dolly and the Path Ahead (William Morrow & Co., 1998), by Gina Kolata, a *New York Times* science reporter, tells the story of the world's first cloned mammal, a plump little lamb named Dolly. Kolata presents an impressive overview of the practical benefits of cloning as well as a down-to-earth account of What It All Means, arguing that cloning is not the moral abomination it is often cracked up to be. But for me the real appeal of the story is the simple tale of how two lone researchers working in an out-of-the-way lab in rural Scotland accomplished a feat that two developmental biologists writing in the pages of *Science* as recently as 1984 had declared was "biologically impossible." It wasn't.

At War Within: The Double-Edged Sword of Immunity (Oxford University Press, 1995), by William R. Clark, a UCLA immunologist, presents an upbeat view of a decidedly unglamorous subject, the human immune system. The immune system constitutes an inner world of amazing complexity, one whose natural mechanisms can identify and neutralize most invading microorganisms, and which can be primed by vaccines to detect and destroy others. Clark argues that the system can be further improved by everything from diet, exercise, and a better mental attitude to high-tech means such as designer drugs and gene therapy—making us not the supermen of science fiction, just a lot healthier than ever before. Advances in immunology may even wipe out that omnipresent menace, AIDS. "Tomorrow, or next week, or next year, humans may produce a vaccine or a drug or a gene-therapy strategy that absolutely stops HIV dead in its tracks," Clark says. "There is precious little a virus—even one as deadly as HIV—can do about that."

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Michael Ruse

Two books stand out from many. The first is nonfiction, was published 25 years ago, and is just now being rereleased: Edward O. Wilson's magisterial *Sociobiology: The New Synthesis* (Harvard University Press, 1975). It is huge (more than 600 pages); it is comprehensive, surveying what we know of animal social behavior, from the jellyfish up to humans, from an evolutionary perspective; it is beautifully produced, with wonderful drawings, fluent prose, and clear diagrams; it is highly informative (Wilson did much of the work, especially on biogeography and animal chemical communication, himself); and it is highly controversial (Wilson argues that we humans are as much part of the animal evolutionary world as the most lowly ant or beetle).

When *Sociobiology* first appeared, it caused consternation in the ranks of social scientists, feminists, Marxists, liberals, and many others. A work that offended so many had to be saying something right. And a quarter century later we know that it was saying much that was right. Woolly-minded attempts to engineer the practices of humans beings in the name of the latest ideology are bound to fail. Little boys and little girls are not the same, and neither are big ones. There is a reason—a good biological reason—why boys are eager to slip their hands under the shirt or the pants, and there is a reason—a good biological reason—why girls are a lot less eager to let the boys have their unfettered way. Put simply, it is girls who are left carrying the baby. Wilson pointed out all of this, and much more, and did the whiners of the left ever resent it.

My second choice is fiction, and it follows on the first. *Unending Love* (Jonathan Cape, 1997), by the British Booker Prize–winning novelist Ian McEwan, is a brilliant attempt to interpret human nature in the light of the principles that Wilson expounds. McEwan tells of the pathological attraction of a disturbed young man for a successful science writer—an attraction that ends by disrupting everything, including the writer's hitherto happy common-law marriage. But McEwan is interested in much more than a story of misguided emotion, suggesting—and here he draws cleverly on the findings of sociobiology—that all of our emotions, even the most rational (as we would judge), are as illusory as those of the disturbed lover, and that in the end the whole of life is a sham, put in place by our biology to further our evolutionary ends. How he draws this conclusion and then suggests that there is more—more that biology allows—is the crux of the tale, and a very good tale it is too.

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Michael Schrage

Though not nearly as well-known or widely read as *The Selfish Gene* (1976) or *Climbing Mt. Improbable* (1998), Richard Dawkins' *The Extended Phenotype* (Oxford University Press, 1981) crackles with insights that makes you reperceive what you think you know about evolution. To dramatically oversimplify, birds aren't the products of "natural selection"; birds *and their nests* are. You can't divorce the evolution of birds from the evolution of nests. Nests, Dawkins asserts, are the "extended phenotypes" of the bird.

Are these extended phenotypes influenced by memes as well as genes? By culture as well as biology? Are human beings evolving? Or are humans and their technologies co-evolving? Dawkins does a fine job of bringing such questions to the forefront of evolutionary (re)thinking.

This kind of collision between biology's end and culture's beginning—and vice versa—can also be found in Donald Dewsbury's *Studying Animal Behavior* (University of Chicago Press, 1985), a collection of reminiscences by many of the world's leading ethologists. Most of the memoirs are as instructive as they

are entertaining. Ethology is going to be an ever richer resource for gaining insight into how and why humans behave, and misbehave, as we do. Ethology and its ongoing intellectual merger with evolutionary psychology strike me as very exciting.

On a completely different level, the mathematization of biology, particularly in the realms of population, genomics, and molecular biology, will prove as important as the mathematization of classical and quantum physics. Eric Lander and Michael Waterman's *Calculating the Secrets of Life* (National Academy of Sciences Press, 1996) is a very difficult, but helpful, introduction to this vital area.

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Lee M. Silver

The two classic works of fiction that I have chosen provide no special insight into the future of biotechnology, and the moral lesson advanced by each is flawed in its own way. Yet both are must-reads for those who wish to understand the political forces opposed to the implementation of new genetic technologies in the 21st century.

No longer just titles of books, *Frankenstein* and *Brave New World* have morphed into anti-biotech slogans that are universally recognized by literate people. Both terms are used frequently to evoke images of horrors that will befall humanity if scientists try to improve upon nature.

The notion of forbidden knowledge is as old as religion—which is to say, older even than human civilization. But Mary Shelley's 1818 novel, written at the dawn of medicine as a scientific endeavor, was the first to deal explicitly with what we now recognize to be biotechnology.

Within *Frankenstein*, we see the emergence of the mythical "law" of unintended consequences, which even captures the minds of those trained to know better, like University of California at San Diego biology professor Christopher Wills. In his 1998 book *The Children of Prometheus*, he writes, "The law of unintended consequences will ensure that most of our attempts to modify our bodies and our genes in the future will not work out in the way that we expect."

Really? "Most" of our attempts? How can anyone who has lived through the life-extending medical miracles of the 20th century still believe such nonsense? And yet, this is the party line of those on both the left and right who, as a matter of principle, attack biotechnology. Such attacks should be unveiled for what they actually are: religion in disguise, whether New Age or old.

While Shelley's *Frankenstein* evokes images of technology gone awry, Huxley's *Brave New World* (1932) embodies people's fears that genetic technology will be used by governments to erase individuality and create docile factory workers or perfect warriors. Once again, a quick glance around the world at the end of the 20th century shows how empty these fears are. Biotechnology serves individuals, not their leaders. "Perfect warriors" and "docile factory workers" are constructed already as cruise missiles and electronic machinery with brains of silicon, not organic matter. And human nature, molded by our genes, will drive us to preserve, not destroy, the individuality of our children, and their children as well.

Lee M. Silver is a professor of molecular biology and public affairs at Princeton University and the author of Remaking Eden: How Genetic Engineering and Cloning Will Transform the American Family *(Avon Books).*

Gregory Stock

Millennia from now, when future humans—whoever and whatever they may be—look back upon this era, they will see it as a challenging, turbulent moment that laid the foundation of their lives. A cornerstone of this future will be genetic engineering, the unraveling of our biological blueprint and the initiation of conscious human design. This unprecedented development, the capture of our own evolutionary fate, is bound to redefine and reshape us.

Such a legion of books examines the dilemmas of unlocking the human genome that the genre has grown a little tired. Especially since so much of what is written agonizes over a multitude of modest potential dangers, ranging from unanswerable questions about whether cloned children would feel a loss of personal identity to the unfocused angst of bio-luddites like Jeremy Rifkin.

Only a few authors have even begun to probe the larger dimensions of the human biological transformation now under way. Lee Silver, a molecular biologist from Princeton, is among them. In *Remaking Eden: How Genetic Engineering and Cloning Will Transform the American Family* (Avon Books), he provides a remarkably accessible look at the impending explosion of reproductive options. Surrogate mothers and egg donation are mere foreplay. Silver lays out the kind of weirdness that will make even Virginia Postrel's dynamists squirm: the disassociation and re-association of early embryos to give a child genes from both partners of a same-sex couple, for instance, or the transformation of genetic test results on early embryos into computer projections of "virtual children" to help parents decide which fertilized embryo to implant.

The outcry over the birth of Dolly the sheep stemmed less from realistic concerns about human cloning than from the sudden realization that we are the objects as well as the architects of the profound changes ahead. The birth of a delayed identical twin is strange but hardly brings the essence of human nature into question as genetic design will. Just as we have used our technology to reshape the world around us, we will use it to reshape ourselves.

That said, Gregory Pence's succinct little paperback, *Who's Afraid of Human Cloning?* (Rowan & Littlefield, 1998), is a must for anyone following this debate. Pence deftly refutes the arguments for prohibiting human cloning and builds a compelling case for parental choice. Given the past hand wringing about the evils of cloning from people who should know better, his book is a breath of fresh air. And the cloning controversy is impor-

tant, for it is a prelude to far harsher battles to come.

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The outcry over Dolly the sheep stemmed less from concerns about human cloning than from the sudden realization that we are the objects as well as the architects of the profound changes ahead.
—Gregory Stock

Jacob Sullum

One peril of biological thinking is the temptation to reduce all human behavior to genes and neurochemistry. Findings about the influence of genes on personality and lifestyle are intriguing, but we still are talking about predisposition rather than predetermination. We continue to judge people by what they do with the hands they are dealt, and rightly so. Similarly, every mental state presumably corresponds to a particular pattern of brain activity that might be influenced by the introduction of certain chemicals. But that does not mean that every mental state we do not like is a disease to be treated with psychotropic drugs.

Thomas Szasz's 1961 book *The Myth of Mental Illness* (1984 edition available from HarperCollins) is a seminal work about the dangers of getting carried away with biological metaphors. People who encounter Szasz in college may have the impression that his critique of psychiatry has been superseded by research during the last few decades. But his central insights do not depend on whether there is a biological basis for some of the "disorders" that psychiatrists treat. Szasz has always conceded that physical conditions can have mental manifestations; syphilitic insanity is a classic example. He insists, however, that a disease cannot be diagnosed based merely on a person's behavior—the strange things he says or does, for example. Nor is the behavior itself, no matter how annoying or antisocial, properly considered a disease. Szasz eloquently warns that the psychiatric tendency to catalog every unsanctioned thought and action as a disorder that can be diagnosed and treated (sometimes coercively) undermines freedom, responsibility, and human dignity.

A healthy skepticism of the disease model can also be seen in the work of the psychologist Stanton Peele, a leading authority on addiction. Unlike critics of psychiatry who automatically deride the addiction du jour, whether it be to sex, shopping, or Web surfing, Peele accepts the idea that people can be addicted to things other than drugs. (As Szasz points out in his 1974 book *Ceremonial Chemistry*, this is hardly a newfangled concept: The original meaning of *addiction*, before the term was hijacked and ultimately abandoned by psychiatrists, was simply "a strong inclination toward certain kinds of conduct, with little or no pejorative meaning attached to it.") What Peele rejects is the idea that stubborn habits should be understood as medical conditions. In *Diseasing of America: Addiction Treatment Out of Control* (Lexington Books, 1989), he offers a nuanced, humanistic view of addiction that places it on a spectrum of behavior, influenced by choices and circumstances as well as biology. On the drug issue, Peele is a refreshing contrast not only to prohibitionists but to reformers who favor "medicalization"—a term that should send a chill down the spine of anyone who has read Szasz.

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John Tierney

What makes us behave decently toward one another? The answer in Matt Ridley's 1997 book, *The Origins of Virtue: Human Instincts and the Evolution of Cooperation* (Viking), will disappoint a lot of bureaucrats as well as moralists on both the left and the right. It turns out that we're capable of being good even without their supervision.

Ridley, whose credentials include a doctorate in zoology and a stint as American editor of *The Economist*, provides a brilliant synthesis of anthropology, biology, evolutionary psychology, game theory, and Adam Smith's writings to explain humans' singular capacity for altruism. Other animals cooperate with relatives and make individual sacrifices, but generally only when it helps an immediate relative. Humans are just about the only animals who cooperate altruistically with nonrelatives. We are descended from hunter-gatherers who increased their chances of survival by banding together, protecting one another, and exchanging food, tools, and knowledge. Peaceful cooperation made possible the division of labor, the great source of technology, wealth, and culture.

Our ancestors had their selfish tendencies, too, but they evolved with defenses against jerks, the chief one being a large brain. It enabled them to store memories of others' past behavior and to trade information to discover others' reputations. Hunter-gatherers negotiated systems of property rights with their neighbors, and they established trading networks in much the same way that medieval merchants did in 11th-century Europe,

when there was no central authority or system of law. The traders in the Pleistocene and medieval Europe developed their own codes of ethics and observed them voluntarily because they knew that a violator would be ostracized. The surest promoter of virtue has always been information, not regulation, which is why the Internet has the potential to bring out our better qualities.

Ridley is a wonderful alternative to the many intellectuals who have failed to appreciate humans' intrinsic virtue. "For St. Augustine the source of social order lay in the teachings of Christ," he writes. "For Hobbes it lay in the sovereign. For Rousseau it lay in solitude. For Lenin it lay in the party. They were all wrong. The roots of social order are in our heads, where we possess the instinctive capacities for creating not a perfectly harmonious and virtuous society, but a better one than we have at present." This better society would be based primarily on exchange between equals, not coercion from above. Big government creates resentfulness in the citizens forced to pay taxes, and it fosters selfishness in the bureaucrats and other favored groups seeking private benefits from public money. "We are not so nasty that we need to be tamed by intrusive government," Ridley concludes, "or so nice that too much government does not bring out the worst in us."

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Our brains store memories of others' past behaviors. The surest promoter of virtue has always been information, not regulation, which is why the Internet has the potential to bring out our better qualities.
—John Tierney

Frederick Turner

Readers of REASON might well wonder what hidden source keeps renewing the faith of those who continue to believe in the dominant role of the state in education and public morals. Part of the answer is that there is still a consensus among many academics and intellectuals, especially in the humanities and the social sciences, that nurture, social environment, and cultural modes of communication determine what an individual can know and what his or her values will be. If human beings are born as blank slates, to be inscribed with their society's arbitrary notions of truth and goodness, then it is obviously of the profoundest importance that those notions be put under the charge of the wisest experts a democratic government can recruit, and that the citizens be conditioned by the schools and the press to the requirements of democratic society.

Several recent books recount the research and reasoning that is now beginning to eat away at the foundations of such beliefs. Steven Pinker's *The Language Instinct* (Penguin, 1995) refutes the widespread notion that language is created by society and culture, that human beings cannot think or know outside that language, and that therefore our whole world picture is conditioned by the "regime of power and knowledge" (Michel Foucault's term) into which we are born. Instead, Pinker shows that language is an innate competence, that anything can be said in any language, and that we as individuals therefore have access to truths not mediated or determined by our culture and its rulers. The implications for education are revolutionary: We should seek out the universally human and traditional genres by which this evolved hunter-gatherer learns; we should replace relativist with realist worldviews; and we should recognize the long-term futility of government indoctrination, however benign.

Perhaps even more revolutionary are a pair of quiet little books, Brian Skyrms' *Evolution of the Social Contract* (Cambridge University Press, 1996) and Elliott Sober and David Sloan Wilson's *Unto Others: The Evolution and Psychology of Unselfish Behavior* (Harvard University Press, 1998). It used to be thought that Darwinian evolution could work only through the survival of traits that promoted the fitness of biological individuals (though purists like Richard Dawkins maintained that even individuals did not count: It was only genes that survived). What this meant was that altruism, cooperation, and moral behavior, since they tended to penalize the individual for the benefit of the group, could not evolve by biological selection, and thus that all moral feeling must have been invented by society and culture, to be imposed upon a recalcitrant individual. Again, the upshot of this view is that we need government, as Hobbes insisted, to keep us good. These two books show conclusively that group selection can be a perfectly normal form of Darwinian evolution, violating no principles of genetics. Thus morality can evolve and survive, and thus our morality, like our language, is basically instinctive. We may be "bad" by nature, because of the pull of individual selfish desires, but we also have innately "good" tendencies toward self-sacrifice, sympathy, and justice.

What will future societies look like when we no longer believe that it is government's job, or even society's job, to invent for us the true and the good?

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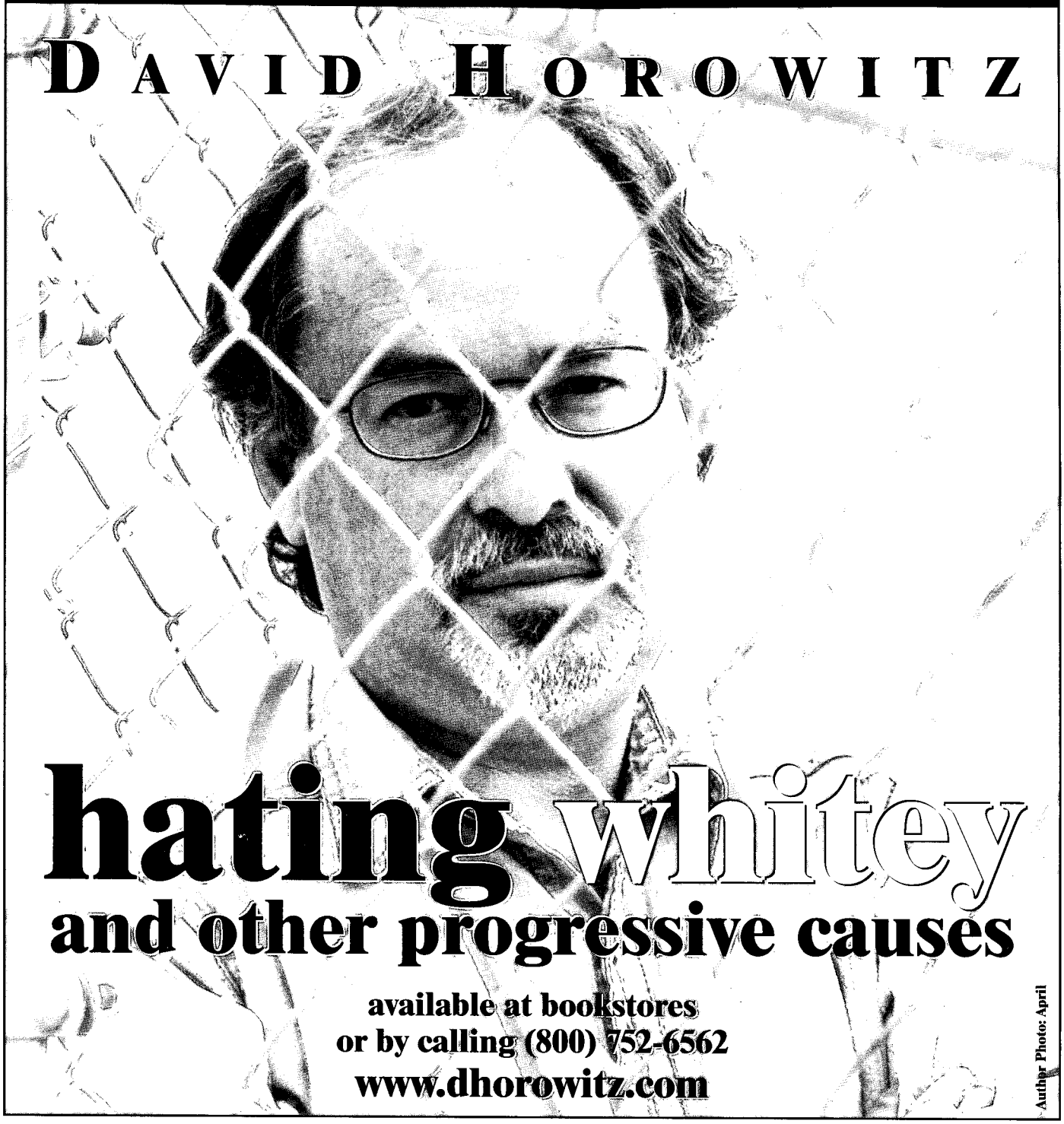
"This is a raw and courageous book that turns over some rocks and shows what is crawling underneath. It reveals the ugly reality behind the pretty and politically correct words and visions of our time."
—Thomas Sowell

DAVID HOROWITZ



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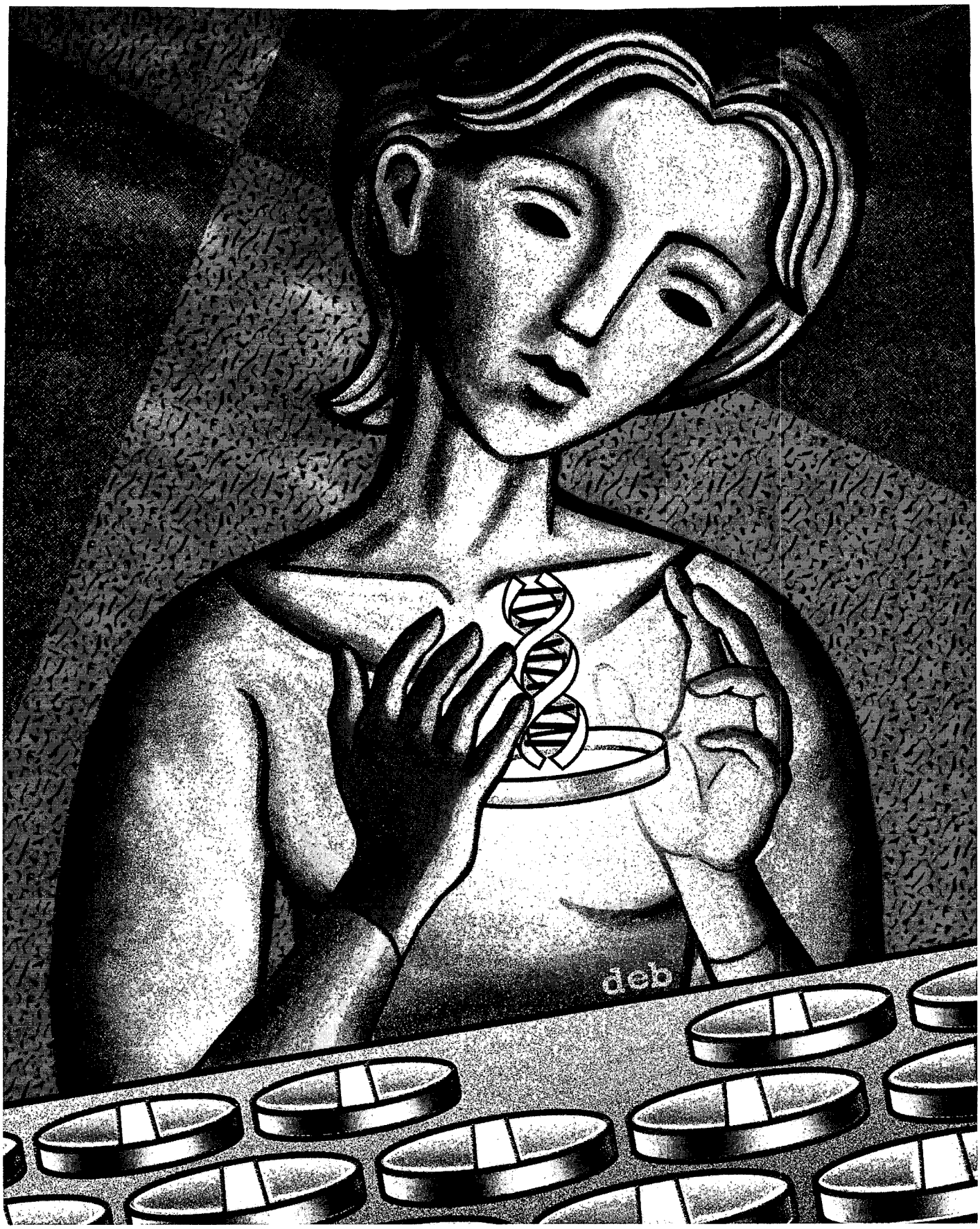

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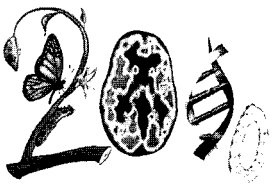


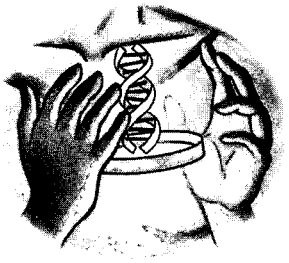
Petri Dish Politics

Biotechnology will make it possible for us to live longer and better. So why are some people dead set against it?

By Ronald Bailey

"Death to death," declares Gregory Stock, director of UCLA's Program on Medicine, Technology, and Society, at a conference on life extension. "Aging itself can be considered to be a disease," says Cynthia Kenyon, the biochemist who last year discovered genes that quadrupled the life of the nematode *C. elegans*.

"This is the first time that we can conceive of human immortality," William Haseltine, the hardheaded CEO of Human Genome Sciences Inc., the largest genomics company in the world, tells *The Washington Post*. Francis Fukuyama, the man who famously asserted that "The End of History" had arrived, declares that History is about to begin again, and its motor is



Suffer a third-degreee burn? Grow some skin cells in a petri dish for a skin graft. Heart attack? Replace that damaged tissue with made-to-order heart cells. Broken back? Fix that right up with a skein of new nerve cells.

biotechnology. "It is no longer clear that there is any upper limit on human life expectancy," writes Fukuyama. That, he argues, changes human nature and thus restarts History.

The biomedical revolution of the next century promises to alter our culture, our politics, and our lives. It promises to extend our life span and to enhance our mental and physical capacities. The closer those promises come to reality, however, the more they incite opposition and, in some cases, horror. And they are becoming more real by the day.

In September, Princeton University neurobiologist Joe Tsien announced that he had boosted the intelligence of mice by inserting extra copies of a gene that produces a type of receptor in brain cells; the receptor enhances long-term memory and learning. The "smart mice" did considerably better than normal mice on a battery of six rodent intelligence tests. The mouse gene Tsien manipulated is 98 percent identical to the one found in humans. In the short term, Tsien's work could lead to drugs that will boost the memory capacities of adult humans. Over the long run, these genes might be introduced into human embryos who, once born, would have an easier time learning and retaining new information. It was the prospect of making smarter people, not just curing Alzheimer's, that made global headlines.

On the horizon are artificial chromosomes containing genes that protect against HIV, diabetes, prostate and breast cancer, and Parkinson's disease, all of which could be introduced into a developing human embryo. When born, the child would have a souped-up immune system. Even more remarkably, artificial chromosomes could be designed with "hooks" or "docking stations," so that new genetic upgrades later could be slotted into the chromosomes and expressed in adults. Artificial chromosomes could also be arranged to replicate only in somatic cells, which form regular tissues, and not in the germ cells involved in reproduction. As a result, genetically enhanced parents would not pass those enhancements on to their children; they could choose new or different enhancements for their children, or have them born without any new genetic technologies.

Already, a Vancouver company, Chromos Molecular Systems, makes a mammalian artificial chromosome that allows biotechnologists to plug in new genes just as new computer chips can be plugged into a motherboard. These artificial chromosomes, which have been developed for both mice and humans, offer exquisite control over which genes will be introduced into an organism and how they will operate.

Meanwhile, the prospect of substantially extending the human lifespan is growing, as biomedical researchers investigate promising technologies to diagnose and treat the various ways the body breaks down with age. EntreMed Inc. of Rockville, Maryland, and Cell Genesys Inc. of Foster City, California, are working to deliver a gene-based drug that will cut off a cancer's blood supply and kill it. Human Genome Sciences, also of Rockville, is developing a heart-bypass-in-a-shot using the VEGF-2 gene, which produces a protein that encourages the growth of blood vessels around blocked arteries. In Silicon Valley, Santa Clara–based Affymetrix Inc. has created a "biochip"—a silicon wafer that analyzes thousands of genes in a single test, diagnosing all sorts of diseases. Combined with the full sequence of all human genes, which will be available in a couple of years, the biochip will enable doctors to do a full genetic physical with a simple blood test.

Late last year, Geron Corp. of Menlo Park, California, announced that scientists whose work it had supported had isolated the grail of human cell biology: embryonic stem cells. These remarkable cells are capable of growing into any of the 210 types of cells found in the human body. Suffer a third-degree burn? Grow some skin cells in a petri dish for a skin graft. Heart attack? Replace the damaged tissue with made-to-order heart cells. Broken back? Fix that right up with a skein of new nerve cells.

Repairing broken bodies, extending life, and improving individuals' capabilities may sound like good things. But the promises of biomedicine increasingly attract opposition. A chorus of influential conservative intellectuals is demanding that the new technologies be crushed immediately, and many in Congress are listening. These "luddicons," as one observer has dubbed them, see in biomedicine the latest incarnation of human evil. "In the 20th century, we failed to stifle at birth the totalitarian concepts which created Nazism and Communism though we knew all along that both were morally evil—because decent men and women did not speak out in time," writes the British historian Paul Johnson in an article in the March 6, 1999, issue of *The Spectator*. "Are we going to make the same mistake with this new infant monster [biotechnology] in our midst, still puny as yet but liable, all too soon, to grow gigantic and overwhelm us?"

The most influential conservative bioethicist, Leon Kass of the University of Chicago and the American Enterprise Institute, worries both that our quest for ever-better mental and physical states

is too open-ended and, contradictorily, that it is utopian. "'Enhancement' is, of course, a soft euphemism for improvement," he says, "and the idea of improvement necessarily implies a good, a better, and perhaps even best. But if previously unalterable human nature no longer can function as a standard or norm for what is regarded as good or better, how will anyone truly know what constitutes an improvement?"

Kass argues that even "modest enhancers" who say that they "merely want to improve our capacity to resist and prevent diseases, diminish our propensities for pain and suffering, decrease the likelihood of death" are deceiving themselves and us. Behind these modest goals, he says, actually lies a utopian project to achieve "nothing less than a painless, suffering-free, and, finally, immortal existence."

What particularly disturbs these conservatives is biomedicine's potential to overthrow their notion of human nature—a nature defined by suffering and death. "Contra naturam, the defiance of nature, used to be a sufficient argument for those who were not persuaded by contra deum, provoking the wrath of God," writes historian Gertrude Himmelfarb in *The Wall Street Journal.* "But what does it mean today, when we have defied, even violated, nature in so many ways, for good as well as bad?" She goes on to suggest that cloning, artificial insemination, in vitro fertilization, and even the pill might be "against nature." Himmelfarb continues, "But the ultimate question is how far we may go in defying nature without undermining our humanity.... What does it mean for human beings, who are defined by their mortality, to entertain, even fleetingly, even as a remote possibility, the idea of immortality?"

Himmelfarb insists that she doesn't disdain all improvement. "To raise these questions is in no way to reject science and technology or to belittle their achievements," she writes. "It is not contra naturam to invent labor-saving devices and amenities that improve the quality of life for masses of people, or medicines that conquer disease, or contrivances that allow disabled people to live, work and function normally. These enhance humanity; they do not presume to transcend it."

It is hard to see how a genetically enhanced memory, a faster mental processing speed, or a stronger immune system "undermines our humanity." After all, many full-fledged human beings already enjoy these qualities. Nor is it clear why "contrivances" that let disabled people cope with their physical problems are acceptable, while genetic cures to avoid the problems in the first place are not.

Nearly all technologies—agriculture, literacy, electric lighting, anesthesia, the pill, psychoactive drugs, television—affect human nature in the sense that they change the rhythms of human life and widen the range of behavior in which people can engage. We are no longer tribesmen living in family bands of 20, hunting and gathering on the plains of Africa. Surely there have been significant changes in human psychology as a result of the development of civilization. In fact, changing human psychology might be said to be the whole point of civilization; some anthropologists speculate that civilization is a set of social institutions that exist to tame human, especially male, violence.

Himmelfarb and Kass accuse those who favor biomedical progress of seeking immortality, as though that were a self-evident evil. But "immortality" is, in a sense, just a longer lifespan. Since 1900, lifespans worldwide have doubled, and most people think that achievement has been a great moral good. Using genetic techniques to increase human lifespans is not any different ethically from using vaccines, organ transplants, or antibiotics to achieve the same goal. Kass and Himmelfarb assert that human beings have been "defined by their mortality." But human beings are perhaps even better defined by their unending quest to overcome disease, disability, and death.

Indeed, all of the things on Himmelfarb's list of acceptable enhancements are "contra naturam." Is it not more natural to tear our meat with our hands rather than with stainless steel forks? Is it not more natural to die by the hundreds of thousands of tuberculosis, smallpox, or ebola? And is it not more natural for the lame, the blind, and old to die beneath the claws and teeth of predators? Himmelfarb does not make it clear how trying to "transcend" the dirty, nasty, brutish, and short lives of our ancestors undermines our humanity. Oh sure, a lower infant mortality rate—down from 300 or 400 deaths per 1,000 live births in the 18th century to only seven per 1,000 today—has deprived us of the chance to contemplate the tragic fleetingness of life and the poignancy of innocent death. But who among us really minds?

In an ironic linguistic twist, the pro-death opponents of substantially extending human lifespans have found their greatest allies among the pro-life opponents of abortion. The reason lies in genetic essentialism: the reductionist view of human beings as nothing more than meat puppets dangling from the strands of our DNA. Nowhere is this strange alliance more important, or its philosophical underpinnings more apparent, than in the debate over stem cell research.

Opponents of extending lifespans have found their greatest allies among opponents of abortion. The reason lies in genetic essentialism: the view of humans as simply meat puppets dangling from the strands of our DNA.

Stem cell research is completely entangled with the politics of abortion. To abortion opponents, a blastocyst used to duplicate your heart tissue isn't an extension of your tissue. It's another human being—your potential identical twin.

At the very earliest stages of development, an embryo is an undifferentiated mass of cells, rather than blood cells, neurons, skin cells, muscle cells, etc. These undifferentiated stem cells can develop into any type of tissue. Isolated stem cells could one day be used to grow new heart, nerve, pancreatic, or liver cells that would replace tissues damaged by disease. Such replacement parts could extend human lifespans by decades, with significantly improved quality. They are just the sort of ambitious, "unnatural" technologies the luddicons fear.

Currently, biotechnologists investigating stem cells use embryos donated by couples who have had infertility treatments. The embryos are grown in laboratory cultures until they reach the blastocyst stage at four to seven days after fertilization. At that point the embryo consists of about 100 or so cells. A blastocyst is a hollow sphere of cells whose outer layer would develop into the placenta while the inner cell mass grew into a fetus. Once the inner cell mass is extracted from the blastocyst, those stem cells can no longer develop into a complete organism.

Stem cells removed from the blastocyst are grown in a culture on a layer of feeder cells that provide the necessary environment to keep them alive and in an undifferentiated state. Researchers are still trying to learn exactly what molecular signals will cause stem cells to develop into specific tissues. Those signals hold the key to using stem cells to develop replacement tissues which would be part of a universal tissue repair kit.

Once those signals are understood, using stem cells will depend, at least in the near future, on technology originally developed in cloning research. As we know from Dolly the lamb, factors in egg cytoplasm can reset an adult cell nucleus, giving it the ability to grow into an embryo as a source for stem cells. Using cloning technology, doctors might one day take the nucleus of one of your skin cells, put it in a human egg from which the nucleus has been removed, and allow that cell to divide to the blastocyst stage. They would then take out the stem cells from its inner cell mass and dope them with the appropriate hormones and proteins to turn the stem cells into, say, heart tissue, which could then be used to repair your ailing heart. Using your own cells in this way would mean that your immune system wouldn't reject the newly engrafted tissues, since the tissues would be a perfect match.

This research obviously promises to significantly advance human health and longevity. And just as obviously, stem cell research is completely entangled with the politics of abortion. It involves the use of embryonic tissues and, eventually, the creation of fertilized eggs that abortion opponents consider full-fledged human beings. To abortion opponents, a blastocyst used to duplicate your heart tissue isn't an extension of your tissue. It's another human being—the equivalent of your identical twin. As Judie Brown, president of the American Life League, told the *Los Angeles Times* about research on embryonic cells, "It doesn't matter if it's done in the womb or a petri dish, it's still killing."

After Geron scientists announced in November 1998 that they'd isolated human embryonic stem cells from donated embryos and aborted fetuses, President Clinton asked the National Bioethics Advisory Commission to look into any ethical issues associated with stem cells. In January, the U.S. Department of Health and Human Services ruled that the National Institutes of Health could fund research using already derived embryonic stem cells. This ruling provoked 70 anti-abortion House members, including Majority Leader Richard Armey (R-Tex.), Majority Whip Tom DeLay (R-Tex.), and Republican Conference Chairman J.C. Watts (R-Okla.) to sign a letter of protest to the president, declaring that the HHS ruling violated the congressional ban on funding research on human embryos. The congressional ban, adopted in 1996, outlaws the use of federal funds for the creation of human embryos for research in which they are "destroyed, discarded or knowingly subjected to risk of injury or death."

In January, however, HHS General Counsel Harriet Rabb artfully concluded that Geron's embryonic stem cells "are not a human embryo within the statutory definition." She based her decision on the fact that the cells "do not have the capacity to develop into a human being, even if transferred to the uterus." Consequently, destroying them in the course of research would not constitute the destruction of an embryo.

NIH scientists, whose work depends on federal funding, are eager for the ban to be lifted. NIH Director Harold Varmus correctly claims that federal funding also brings federal oversight, which he argues will protect the public interest. Of course, Varmus and other researchers curiously overlook the point that it was precisely federal oversight that led to the ban on federal support of this important research in the first place.

As it became clearer that the National Bioethics Advisory Commission was going to recommend that some stem cell research be federally funded, opponents turned up the heat. In July, Sen. Sam Brownback (R-Kan.) sponsored a Capitol Hill

press conference featuring a group of bioethicists, religious activists, and physicians who oppose human embryonic stem cell research. "Human embryos are not mere biological tissues or clusters of cells; they are the tiniest of human beings," asserts the group's July 1 press release.

At the press conference, Edmund Pellegrino, a bioethicist at Georgetown University's Kennedy Bioethics Center, took aim at even private research efforts like those sponsored by Geron. He urged that a congressional ban "should be extended permanently to include privately supported as well as federally supported research involving the production and destruction of living human embryos." Although the current debate centers on federal funding, the real issue is whether the research should be done at all.

According to an NIH spokesperson, the NIH's draft guidelines for embryonic stem cell research are likely to be issued before the end of the year, and Congress will take up the subject in February. Sens. Arlen Spector (R-Pa.) and Tom Harkin (D-Iowa) are the two leading proponents of human stem cell research. Opponents include DeLay, Brownback, and Rep. Henry Hyde (R-Ill.).

The opponents argue that biotechnologists should concentrate on isolating and using stem cells known to exist in adults instead. Such adult stem cells are the precursor cells that renew tissues like skin and the linings of the intestines, and they likely could be used to regenerate these tissues. But many researchers believe that adult stem cells won't be as protean as embryonic cells—that they won't be able to turn into as many different types of cells.

One day it may be possible to take any adult stem cell back to the embryonic, and hence protean, stage. But the research to figure out how to do that depends on work with embryonic cells and the resulting cells, of course, would themselves be embryonic. People who oppose stem cell research on the ground that any cell that can *become* a human being already *is* a human being are essentially arguing that every cell in your body is another person.

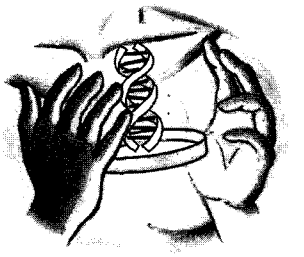
"What happens when a skin cell turns into a totipotent stem cell [a cell capable of developing into a complete organism] is that a few of its genetic switches are turned on and others turned off," writes University of Melbourne bioethicist Julian Savulescu in the April 1999 issue of the *Journal of Medical Ethics*. "To say it doesn't have the potential to be a human being until its nucleus is placed in the egg cytoplasm is like saying my car does not have the potential to get me from Melbourne to Sydney unless the key is turned in the ignition." Since nearly every cell in the human body contains the complete genetic code of an individual, it is logically possible using biotech to turn every one of a person's cells into a complete new human being. If one doesn't turn on the ignition of a car (or one doesn't strip the suppressor proteins from a nucleus and put the cell into a womb), then the car won't go (or the skin cell won't grow into a human being). In other words, simply starting a human egg on a particular path, either through fertilization or cloning, is a necessary condition for developing a human being, but it isn't sufficient. A range of other conditions must also be present.

"I cannot see any intrinsic morally significant difference between a mature skin cell, the totipotent stem cell derived from it, and a fertilised egg," writes Savulescu. "They are all cells which could give rise to a person if certain conditions obtained." Those conditions include the availability of a suitable environment like a woman's womb. A petri dish is not enough.

"If all our cells could be persons, then we cannot appeal to the fact that an embryo could be a person to justify the special treatment we give it," concludes Savulescu. "Cloning forces us to abandon the old arguments supporting special treatment for fertilised eggs."

The DNA content of a skin cell, a stem cell, and a fertilized egg are exactly the same. The difference between what they are and what they could become is the environment in which their DNA is found. Thus, Savulescu argues, the mere existence of human DNA in a cell cannot be the source of a relevant moral difference. The differences among these cells are a result of how the genes in each are expressed, and that expression depends largely on which proteins suppress which genes. Does moral relevance really depend on the presence of the appropriate proteins in a cell? Trying to base moral distinctions on this level of biochemistry seems a bit quixotic.

So, asks Savulescu, is it immoral for you to take one of your skin cells, put it into an enucleated egg, and begin to grow it in a petri dish with the intention of making new brain cells to cure your Parkinson's disease? The cell was your tissue, with your genes. The transformed cell would not exist except for your intention—it would simply have flaked off and gone down the drain. "It's important to remember that essentially every cell in our body has a full complement of genes and in that sense is potentially totipotent," Varmus, the NIH director, reminded the National Bioethics Advisory Commission. That a cell contains a complete set



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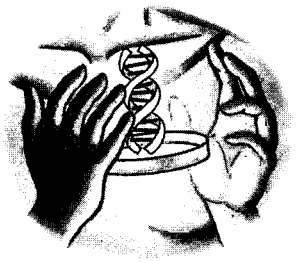


Human brains —malleable, fluid, flexible, changing—are the real essence of what defines us as people. We are not mere meat puppets at the mercy of our genes.

of human chromosomes, yours, surely does not make that cell the moral equivalent of a baby. But as Savulescu and Varmus point out, if one is committed to the sort of genetic essentialism relied on by many opponents of cloning and embryonic stem cell research, then one is also logically committed to maintaining that the only difference between your skin cell and your twin is which proteins decorate their DNA strands.

The next step in stem cell research will occur when biotechnologists learn how to strip off the suppressing proteins from a mature cell's genes and transform it directly into a stem cell without having to use enucleated human eggs. That advance will take human eggs out of the discussion. Once it is possible to make stem cells without eggs, perhaps the moral intuition of many people will shift.

"It may eventually become possible to take a cell from any one of our organs and to expose it to the right set of environmental stimuli and to encourage that cell to return to a more primitive stage in the hierarchy of stem cells," explains Varmus. "Under those conditions, one might in fact generate the cell with as great a potential as a pluripotent cell [capable of becoming many different, but not all, types of tissues] from a very mature cell. One might even in fact imagine generating a cell that is totipotent in that manner." (Again, a totipotent cell is one that could develop into a complete organism if put in the right circumstances.)

Stem cells produced this way would be identical to the human embryonic stem cells that currently must be harvested from embryos. A cell whose suppressor proteins have been stripped off could become a nerve stem cell, a liver stem cell, or a baby—depending on the intentions of the patients and doctors. Researchers are experimenting right now to see if new embryonic stem cells could be formed by introducing the nucleus of an adult cell into an already existing enucleated embryonic stem cell, thus bypassing the need to use human eggs.

One final consideration is that those committed to claims that individual human beings are defined by their DNA must take into account the fact that up until the eight-cell stage any one of an embryo's cells could become a separate embryo and, under the right circumstances, develop into a baby. So until that point are there several persons, or one, in a fertilized human egg? It is now possible after a fertilized egg has first divided into two cells to take one cell and use it to test for genetic diseases. The tested cell could have developed into a baby if placed in a woman's womb. Has the genetic test killed a twin?

Stem cell research opponents might respond that these arguments are just splitting hairs. But there are quite a lot of biochemical hairs to split. And just how you split them determines how you regard the moral status of all types of cells.

Does human uniqueness really reside in our genes? Try this thought experiment. Imagine that transplant surgery has so improved that it is possible to remove your brain and place it safely into another body. So after your brain transplant, is your original body "you"? Or are "you" residing now in a different body? A new body could certainly change "you" in certain ways, since your senses and biochemistry would be different. But humans already affect the operation of their brains by giving themselves different drugs. When people take therapeutic drugs, say Prozac, L-dopamine, or even steroids, we do not believe they become different people.

"The human mind, of course, is a dynamic entity, but genes are static," explains Princeton biologist Lee Silver. A person's genes provide the instructions for building his or her brain, and the mind which comes out of that brain can respond to the environment. Unlike genes, a mind can change. "The human mind is much more than the genes that brought it into existence," concludes Silver.

What makes us distinct and unique is not our genes but our brains and the minds they contain. Persons generally have brains that are capable of supporting enough mental activity to give rise to a mind. As one of my old philosophy professors once put it, "I have never seen a mind that was not located in fairly close proximity to a brain."

The point that brains, not genes, are the source of our uniqueness is further underscored by the fact that no one argues that natural clones, otherwise called identical twins, are the same person, even though they share an identical set of genes. They have two different brains and experience the world from two different points of view. Human brains—malleable, fluid, flexible, changing—not static genes, are the real essence of what defines us as people. We are not mere meat puppets at the mercy of our genes. In fact, with biotech it might better be said that our genes are now at the mercy of our minds.

Leon Kass is disheartened by this prospect. "We triumph over nature's unpredictabilities only to subject ourselves, tragically, to the still greater unpredictability of our capricious wills and our fickle opinions," writes Kass in the September issue

of *Commentary*. In other words, he is against human freedom because he doesn't think we can handle it. Ultimately, Kass wants to preserve the "freedom" of some portion of humanity to be miserable, sick, and unhappy. But if they were truly free, would people choose to suffer or to subject their children to such suffering? Not likely.

Kass does have a point, however, when he writes in *Commentary*, "Even people who might otherwise welcome the growth of genetic knowledge and technology are worried about the coming power of geneticists, genetic engineers, and, in particular, governmental authorities armed with genetic technology."

There is a threat of government control. Some intellectuals are already succumbing to the temptation of government-supported and mandated eugenics, lest the benefits of genetic engineering be spread unequally. "Laissez-faire eugenics will emerge from the free choices of millions of parents," warns *Time* magazine columnist Robert Wright. He then concludes, "The only way to avoid Huxleyesque social stratification may be for government to get into the eugenics business."

Clearly we must be on guard against any attempts to harness this new technology to government-mandated ends. But a Brave New World of government eugenics is not an inevitable consequence of biomedical progress. It depends instead on whether we leave individuals free to make decisions about their biological futures or whether, in the name of equality or of control, we give that power to centralized bureaucracies. Huxley's world had no "laissez-faire eugenics" emerging from free choice; *Brave New World* is about a centrally planned society.

A biological future without a plan is exactly what scares critics on both the right and the left. "Though well-equipped [through biotech], we know not who we are or where we are going," Kass fearfully writes. If we know not who we are, surely advances in biotech are helping us to understand more completely who we are. As for where we are going, the fact that we don't know is why we go. Over the horizon of human discovery Kass sees a territory marked, like the maps of yore, "Here be monsters." To avoid the supposed monsters, Kass wants humanity to stay quietly at home with its old conceptions, technologies, traditions, and limited hopes.

If we use biotech to help future generations to become healthier, smarter, and perhaps even happier, have we "imposed" our wills on them? Will we have deprived them of the ability to flourish as full human beings? To answer yes to these questions is to adopt Rousseau's view of humanity as a race of happy savages who have been degraded by civilization. The fact is that previous generations have "imposed" all sorts of technologies and institutions on us. Thank goodness, because by any reasonable measure we are far freer than our ancestors. Our range of choices in work, spouses, communities, medical treatments, transportation—the list is endless—are incomparably vaster than theirs. Like earlier technologies, biotech will liberate future generations from today's limitations and offer them a much wider scope of freedom. This is the gift we will give them. Like all technologies, biotech could be abused, but using it is not, as Kass and Paul Johnson would have us believe, the same as abusing it.

Scientific facts will not resolve these issues. On the one hand, people who see human genes as the defining essence of humanity will object to stem cell research and a good deal else in the coming biotech revolution. One the other hand, people who see human beings as defined essentially by their minds will have fewer moral objections.

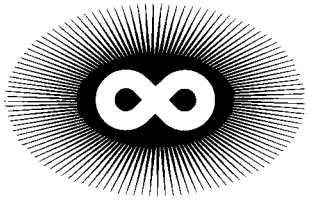
At a hearing earlier this year, Edward Furton, who works at the National Catholic Bioethics Center, asked the National Bioethics Advisory Commission to "please remember in your deliberations that millions of your fellow citizens hold that the human embryo is a human life worthy of the protection of the law." He added, "As a result of the tainted origin, many Americans who have deeply held moral objections to embryo destruction may choose not to receive any benefits from this new research."

No one is suggesting that people should be forced to use medicines that they find morally objectionable. Perhaps some day different treatment regimens will be available to accommodate the different values and beliefs held by patients. One can imagine one medicine for Christian Scientists (minimal recourse to antibiotics, etc.), another for Jehovah's Witnesses (no use of blood products or blood transfusions), yet another for Roman Catholics (no use of treatments derived from human embryonic stem cells), and one for those who wish to take the fullest advantage of all biomedical discoveries.

In a sense, the battle over the future of biotech —and, if Fukuyama is correct, the future of humanity—is between those who fear what humans, having eaten of the Tree of Knowledge of Good and Evil, might do with biotech and those who think that it is high time that we also eat of the Tree of Life. ◆

Science Correspondent Ronald Bailey (rbailey@reason.com) is the editor of Earth Report 2000: The True State of the Planet Revisited *just published by McGraw-Hill.*

A biological future without a centralized plan is exactly what scares critics on both the right and the left. Over the horizon of human discovery, critics see a territory marked, like the maps of yore, "Here be monsters."



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We look forward to seeing you Presidents' Day Weekend.

■ ■ ■

Confirmed Speakers:

- **Jhane Barnes**, designer, "Mathematics, Computers, and the Art of Textile Design"
- **Gregory Benford**, UC-Irvine astrophysicist, "Thinking Long in the Millennium"
- **Daniel Botkin**, UC-Santa Barbara ecologist, president, Center for the Study of the Environment, author of *Discordant Harmonies*, "The Future of Nature: How to Have Both Civilization and Nature in the 21st Century"
- **Charles Paul Freund**, senior editor, *Reason*, "Dark Verge? The Uneasy Case of Vienna 1900"
- **Neil Gershenfeld**, leader, physics and media group, MIT Media Lab, author, *When Things Start to Think*, "Things that Think"

- **Nick Gillespie**, executive editor, *Reason*, "Popular Culture on the Verge"
- **Lisa Graham Keegan**, Arizona Superintendent of Public Instruction, "Innovations in Education"
- **Grant McCracken**, Harvard Business School, author, *Plenitude* and *Culture and Consumption*, "Verge of Verges: Sir Francis Bacon at the Gates of Gilbraltar"
- **Christena Nippert-Eng**, sociologist, Illinois Institute of Technology, author, *Home and Work*, "Home and Work: Drawing the Boundaries"
- **Daniel Pink**, *Fast Company* contributor, "Free Agent Nation"
- **Steven Postrel**, UC-Irvine Graduate School of Management, "The Geek and the Dilettante: Sharing Knowledge Across Specialities"
- **Virginia Postrel**, editor, *Reason*, author, *The Future and Its Enemies*, "On the Verge: Exploring the Frontiers of Creative Encounter"
- **Adam Clayton Powell III**, vice president, technology and programs, The Freedom Forum, "Culture and Collision"
- **Richard Rodriguez**, author, *Days of Obligation* and *Hunger of Memory*, "Some Thoughts on the Burrito and the Browning of America"
- **Lynn Scarlett**, executive director, Reason Public Policy Institute, "Can Industry Save the Planet? The Rise of Industrial Ecology"
- **Michael Schrage**, columnist, *Fortune*, senior associate, MIT Media Lab, author, *No More Teams!* and *Serious Play*, "Serious Play"
- **Robert Zubrin**, author of *The Case for Mars*, "Mars Direct: Humans to the Red Planet Within a Decade"

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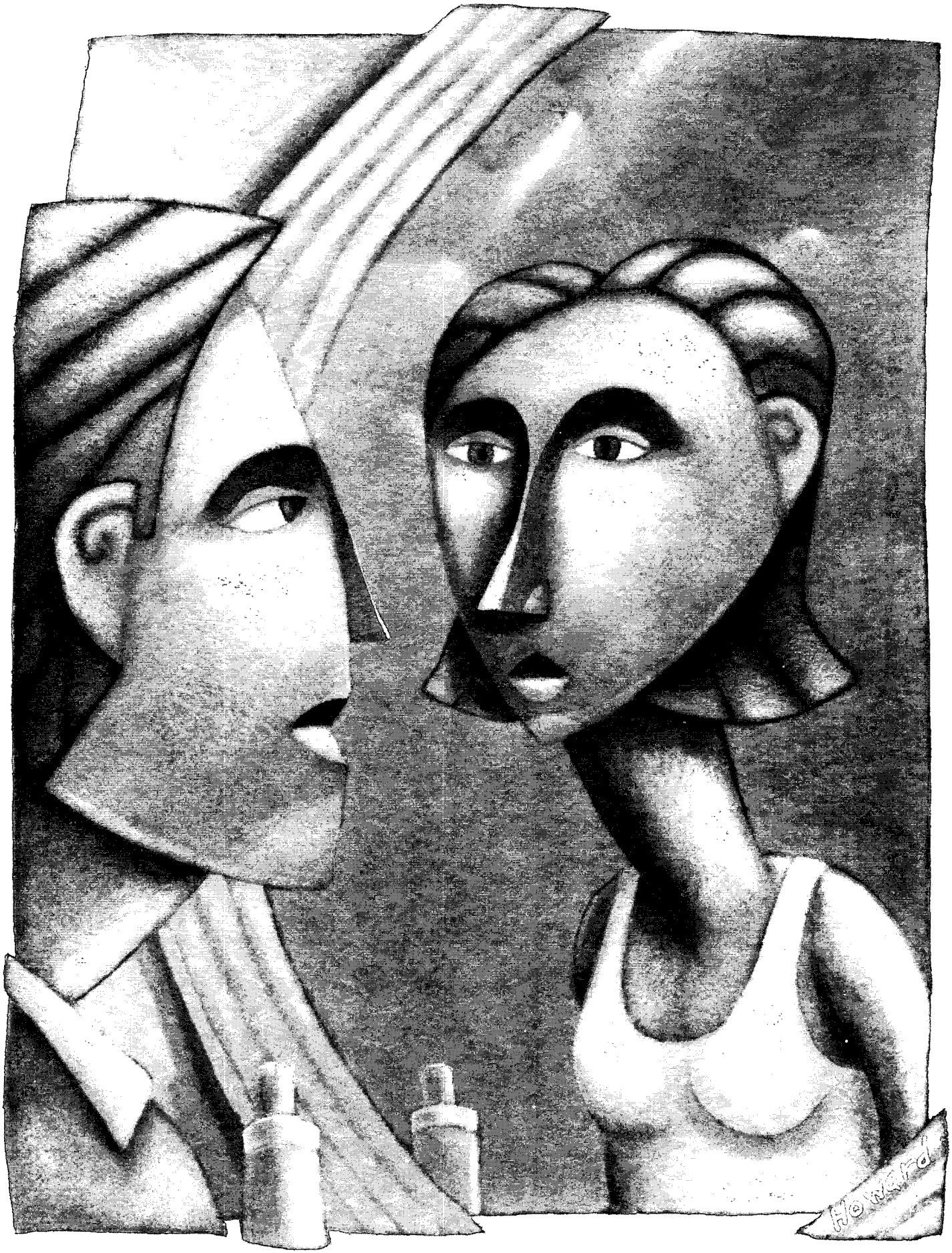
For directions and reservations, the Santa Clara Marriott can be reached at 408-988-1500. Mention *Reason* to get our special rate of $89/night. The Santa Clara Marriott is located at 2700 Mission College Blvd., Santa Clara, CA 95052-8181 and is easily accessible from the San Jose Airport.

From Donald to Deirdre

How a man became a woman—and what it says about identity

In the mid-1990s renowned economic historian—and longtime REASON *contributing editor—Donald N. McCloskey transformed himself into Deirdre N. McCloskey. In her new memoir about the experience,* Crossing *(University of Chicago Press), she recounts both her trials—in a bid to stop the process, McCloskey's sister, a psychologist, had her committed involuntarily to mental institutions and otherwise tried to stop the gender change—and her triumphs. "As Donald aged 13 or 14 waited for sleep in his bed," she writes, referring to her selves in the third person, "he would fantasize about two things.* Please, God, please. ...Tomorrow when I wake up: I won't stutter....And I'll

By Deirdre N. McCloskey



TREVOR HOWRAD

The Author, Before and After: "I visited womanhood and stayed. It was not for the pleasures, though I discovered many I had not imagined, and many pains too. But calculating pleasures and pains was not the point. The point was who I am. Here the analogy with migration breaks down."

be a girl. A girl.... *Deirdre later used the memory to introduce talks, to put people at ease about both her stuttering and her crossing in one story. She would joke, 'I f-f-f-finally got one of m-m-my two wishes!'"*

As the following selections suggest, Crossing *tells more than McCloskey's personal tale of her odyssey from Donald to "Dee" (a name she called herself midway through the process) to Deirdre. On the eve of the "Biological Century"—an era in which individuals will be increasingly free to choose how to live their lives and on what terms—McCloskey's experience speaks eloquently to the larger social, political, and moral implications raised by such possibilities.*

I want to tell you the story of a crossing from 52-year-old man to 55-year-old woman, Donald to Deirdre.

"A strange story," you say.

Yes, it's strange statistically. All the instruments agree that what's usually called "transsexuality," crossing the gender boundary, is rare. (The Latin in "transsexuality" makes it sound sexual, which is mistaken; or medical, which is misleading; or scientific, which is silly. I'll use plain English—"crossing.") Only three in 10,000 want to cross the boundary of gender, a few of them in your own city neighborhood or small town. Gender crossing is no threat to male-female sex ratios or the role of women or the stability of the dollar. Most people are content with their birth gender.

But people do, after all, cross various boundaries. I've been a foreigner a little, in England and Holland, and on smaller visits elsewhere. If you've been a foreigner you can understand somewhat, because gender crossing is a good deal like foreign travel. Most people would like to go to Venice on vacation. The Venice visitors as a group can be thought of as all the "cross-gendered," from stone-butch dykes to postoperative male-to-female gender crossers, all the traversers, permanent or temporary, somber or ironic. A few people go to Venice regularly, and you can think of them as the cross-dressers among these, wearing the clothing of the opposite gender once in a while. But only a tiny fraction of the cross-gendered are permanent gender crossers, wanting to *become* Venetians. Most people are content to stay

mainly at home. A tiny minority are not. They want to cross and stay.

On a trip to New York to see a friend after my own crossing I stood in the hall of photographs at Ellis Island and wept at the courage. Crossing cultures from male to female is big; it highlights some of the differences between men and women and some of the similarities too. That's interesting. My crossing was costly and opposed, which is too bad. But my crossing has been dull, easy, and comfortable compared with Suyuan's or Giuseppi's outer migrations.

It's strange to have been a man and now to be a woman. But it's no stranger perhaps than having been a West African and now being an American, or once a priest and now a businessman. Free people keep deciding to make strange crossings, from storekeeper to monk or from civilian to soldier or from man to woman. Crossing boundaries is a minority interest, but human.

Who I Was, Am, Will Be

My crossing—change, migration, growing up, self-discovery—took place from 1994 to 1997, beginning in my home in Iowa, then during a year in Holland, then back in Iowa, with travels in between. As Donald and then as Deirdre I was and am a professor of economics and of history at the University of Iowa. From age 11 I had been a secret cross-dresser, a few times a week. Otherwise I was normal, just a guy. My wife had known about the cross-dressing since the first year of our marriage, when we were 22. No big deal, we decided. Lots of men have this or that sexual peculiarity. Relax, we said. By 1994, age 52, I had been married three decades, had two grown children, and thought I might cross-dress a little more. Visit Venice more too.

I visited womanhood and stayed. It was not for the pleasures, though I discovered many I had not imagined, and many pains too. But calculating pleasures and pains was not the point. The point was who I am. Here the analogy with migration breaks down. One moves permanently from Sicily to New York because one imagines the streets of New York are paved with gold, or at least better paved than the streets at home, not mainly because back in Catania since age 11 one dreamed of being an American. Migration can be modeled as a matter of cost and benefit, and it has been by economic historians. But I did not change gender because I liked colorful clothing (Donald did not) or womanly grace (Donald viewed it as sentimentality). The "decision" was not utilitarian. In our culture the rhetoric of the very word *decision* entails cost and benefit. My gender crossing was motivated by identity, not by a balance sheet of utility.

Of course you can ask what psychological reasons explain my desire to cross, and reply with, say, a version of Freud. Some researchers think there is a biological explanation for gender crossing, because parts of the brains of formerly male gender crossers in postmortems are notably female. But a demand for an answer to *why* carries with it in our medicalized culture an agenda of treatment. If a gender crosser is "just" a guy who gets pleasure from it, that's one thing (laugh at him, jail him, murder him). If it's brain chemistry, that's another (commit him to a madhouse and try to "cure" him).

I say in response to your question of *why?*, "Can't I just be?" You, dear reader, are. No one gets indignant if you have no answer to why you are an optimist or why you like peach ice cream. These days most people will grant you an exemption from the *why* question if you are gay. In 1960 they would not and were therefore eager to do things to you, many of them nasty. I want the courtesy and the safety of a *why*less treatment extended to gender crossers. I want the medical models of gender crossing (and of 20 other things) to fall. That's the politics.

And incidentally, why do you think you are the gender you were officially assigned to at birth? Prove it. How odd.

Ah. I think you need some treatment.

After a year of hesitation, two years from beginning, I found to my delight that I had crossed. Look by look, smile by smile, I was accepted. That doesn't make me a 100 percent, essential woman—I'll never have XX chromosomes, never have had the life of a girl and woman up to age 52. But the world does not demand 100 percents and essences, thank God. An agnostic since adolescence, in my second year of crossing I came tentatively to religion and then could thank God in person, who made me inside in my comfort a woman.

The Step is not irreversible. When Deirdre made this point people would get indignant. They at least know *that* much. "What are you talking about? Someone cuts off his penis and you say it's *reversible*?"

You become a woman by being treated as one of the tribe. Nothing else is essential. Being Dutch is being treated as Dutch. You can be a masculine woman, as by some stereotypes many women are, yet still be treated as one of the tribe. No piece of conventionally feminine behavior is essential if the overall effect makes you accepted in the tribe. Biology is not decisive. Big hips, small frame, high voice, hairless face, sexual interest in men, more-than-male amounts of sympathy and readiness to cry: We

all know women almost anywhere who vary on these dimensions, in this direction or that, but who are still part of the tribe.

And you treat yourself as one of the tribe too. Being Dutch is being homesick for Holland, inside your head. The dialogue with other members of society about whether Deirdre was part of the women's tribe has a personal side. Does Deirdre treat *herself* as a member of the women's tribe? *Am I a woman? Yes.*

Why, then, did Deirdre join the women's tribe? The question does not make sense, because it asks for a prudential answer when the matter is identity. Asking why a person changes gender is like asking why a person is a Midwesterner or thoughtful or great-souled: She just is. An identity is both made and not made. It is a romantic idea, which is strangely paired in the modern world with the antiromantic ideas of positivism in social science, that we all have an internal identity, fixed and ready made, and the only task is to express it. Will the real Deirdre please stand up? The "realness" is not right. We make ourselves, which is our freedom as human beings.

The romantic view does have something in it. You make yourself Dutch or American, a nurse or an accountant, a recluse or a social butterfly, piece by piece. But you have tendencies, which can be traced back to childhood. Anyone who has watched a child grow is impressed by the thrust of character. The dismal, fretful infant in arms will in 80 years be a dismal, fretful old lady. The cheerful infant will always be an optimist. No wonder people devised a word for it, the soul.

Operative Traumas

There Dee finally was in Dr. Ousterhout's waiting room in San Francisco the day before the cheek and jaw operation, having been photographed and relieved of gigantic checks, $10,000 here, $15,000 there. All her treatment from now to the end of her transition, she reflected as she sat there happily, was going to be paid out of her own pocket and was not tax deductible. Blue Cross and the IRS take a dim view of gender reassignment surgery. They take an equally dim view of cosmetic surgery to make one passable; also of voice surgery for the same; also of fixing the glitches from all of these.

Donald had complained to Blue Cross: "The *DSM*-IV *[Diagnostic and Statistical Manual of Mental Disorders]* you rely on calls transsexuality a 'disorder,' and, unusually among such 'disorders,' this one has a cure—surgical, including facial surgery. But then you won't pay for it. You can't have it both ways. Either it's a personal choice, in which case the psychiatrists should butt out, or it's a disorder, in which case medical insurance should pay for the cure." Donald was always engaging in little campaigns for justice. Dee was more realistic: *Blue Cross will never pay for this, not in America—except in Minnesota, if you turn yourself over to an ignorant and self-important psychiatrist for two years of "certification" as "genuine." We Americans like telling people what to do, as in Prohibition or the war on drugs. It's not even Blue Cross' money: Over the years I've paid 10, 20 times more in medical insurance than has been paid back to me in expenses. From an actuarial point of view, there's no moral hazard. It's not as if millions of men will step forward to take advantage if gender reassignment and jaw pointing are paid for. The policy is sheer, stupid crossphobia. Sweet land of liberty and of stubborn, self-justifying hatreds.*

Dr. Ousterhout's office manager, Mira, came into the waiting room and interrupted Dee's reflections on American character.

"Dee, I have some bad news."

Uh oh.

"Your sister has been calling and writing the hospital and threatens to sue if we go ahead."

"Oh, no, no, *NO!*" Dee wailed and raged through the waiting room. "A third time. She's tried four times to stop me and succeeded three. When, when, is she going to leave me alone?"

Ousterhout came out to comfort her. "It's a setback. But I'm going to do everything I can."

"She claims I'll go crazy when I wake up and realize what I've done."

Ousterhout laughed. "That's silly. I've done thousands of plastic surgeries. People like what we do. I've never heard of anyone waking up and being anything but thankful. What's her evidence?"

"She doesn't have any. But the psychiatrists will believe anything about this, they are so frightened."

"That's their normal state."

Dr. Ousterhout called the psychiatrist in Chicago who had examined Donald for a competency hearing instigated by his sister. His letter about Dee had been ambiguous in its last paragraph; for the operation to happen, Dee needed clarity. It sounded to Dee like more of the self-protection that seemed to be the main object of psychiatric practice. Ousterhout later told Dee roughly what he had said to the doctor on the phone to Chicago:

"Do you think Dee is competent to sign the consent form and be operated on?"

"Yes." He had said the same to Dee a couple of weeks earlier.

"That's wonderful! Could you write that down in the same words? You can send it to California by fax."

"Uh...My typist isn't here."

"You can write it on a sheet of paper and fax it. You know how to write, don't you?"

"Umm. I don't know how to operate the fax"

"I'll tell you how over the phone."

Nothing worked. The psychiatrist wouldn't do it, wouldn't put in writing what he had said twice and what he believed. *He's afraid,* thought Dee. *He half believes my sister's theories about my waking up and regretting it all and going crazy. He doesn't want to be responsible. Psychiatrists don't. Cowards. Unlike surgeons, who must decide now, they can always waft. "Let's see how she looks after a month in a madhouse. A year."*

But Ousterhout kept working, and told Dee to check into the Davies Medical Center as though the operation was going to happen at dawn the next day as scheduled. Ousterhout then arranged for still another psychiatrist to examine her that very evening in the hospital. Dee moaned to her friend Esther, who had canceled her appointments as pastor in Berkeley and driven across the bay to the Davies to comfort her during the evening

of terror, "Another psychiatrist! I am so sick of being treated as crazy because I dislike my gender. Would I be thought crazy if I disliked a cleft palate, or a congenital heart defect?" The psychiatrist came in late, brought away in the dark from a dinner party, but he seemed sympathetic. Esther stayed outside in the hall, speaking soothingly to Dee before and after: "It will be all right. He seems sensible."

"Unlike most of them," said Dee. "I am so frightened."

About 11 p.m. the psychiatrist passed her. "You are competent to sign the consent forms to have the operations," he said. Dee slept.

But next morning the operation was still held up. Ousterhout still needed the examining psychiatrist in Chicago to yield. That would make two psychiatrists, enough to calm the hospital's lawyers, frightened by his sister's letters on Harvard stationery. Again it was up to this man who seemed so ignorant and frightened about gender crossing. All morning Ousterhout worked on him. It was an expensive employment for a surgeon, negotiating on the phone for a plain statement. Eventually the psychiatrist did yield, as he had yielded to the lawyer's expensive pressure in Chicago, and the fax came to California. This time Ousterhout did not tell Dee what he had said.

The operation started six hours late—another, separate surgery would have to be scheduled because of the lost time that day, making it three days of operations—face, breasts, and tummy tuck—instead of two, with three distinct setups, the first morning wasted. The additional bill mounted toward $25,000: legal costs, extra travel, extra days of surgery.

Let it go, said Dee to herself. The surgery was going to happen.

When she woke up: *Am I crazy? No, just covered in bandages.* Her friends Richard and Susan visited, Richard reporting that time. You can't have your face taken off and put back on three times without looking odd for a while. More than the wounds, she was worried about the repeated general anesthetic, because some people have reactions to it months afterward. But it didn't happen. None of the surgery then or later hurt; the pain in recovery was masked by drugs. The recovery was inconvenient and embarrassing, because you needed to nurse yourself and you looked a mess. But not painful.

Between surgeries she stayed home at Esther and her friend Marty's and went to church a lot. The First Baptist Church of Berkeley—American, not Southern, Baptist—said on its coffee mugs, "FBCB—*Not your typical Baptists!*" Theologically, Baptist churches of any sort are libertarian, though your typical Baptist doesn't act as though he believes it. Every Sunday for the six weeks she stayed with Esther, she would go to the music-filled service and listen to Esther's elegant sermons and for the first time experience a church-centered life. The congregation was "welcoming and affirming," which meant it had a varied membership. A gender crosser with a face horribly bruised seemed not to give them pause. At the coffee hour after the service Dee would move among the ladies of the church watching her manners and observing theirs, welcomed and affirmed.

Vocal Discord

The damned voice. Dee called the office of the speech surgeon in San Francisco to check on the voice operation she had scheduled there for early December.

"Oh," said the secretary, "That's been canceled."

"Were you effeminate as a child?" Dee could see the psychiatrist's eyebrows rise when she got an answer that did not fit the "diagnostic" list in the *Diagnostic and Statistical Manual of Mental Disorders.*

"she looks like road kill." Ken and Alan, editors on a book project that Dee was supposed to be working on, visited, and Alan's wife, Gail, brought a meal with dishes and all. The following day Esther came and took her home to El Cerrito across the bay, and Dee waited in the empty house for the craziness to come.

The next operation was all right. And the next, the third. The order of operations was unclear to Dee afterward, since some were combined: nose job, bones under the eyebrows ground down, hairline moved forward, jaw pointed, lip scar fixed, eyebrows lifted, breasts augmented, tummy tucked. Her recovery was quick, though she looked puffed and bruised for a while each

"Canceled? What do you mean?"

"The doctor decided not to do it."

"Why didn't you tell me? Did he say why?"

"I'm not at liberty to say"

"Oh. So my sister got to him." *The coward,* thought Dee. "Why didn't you call?"

"I'm not at liberty to say."

"So you canceled a surgery because the patient's sister threatened you and then didn't tell the patient? May I speak to the doctor?"

"I'm sorry, but the doctor's not in. I have to go."

"Good-bye. Have a nice day."

Great, Dee thought, *I've found a surgeon who's a coward. All psychiatrists and at least one surgeon. Can't go to Holland to teach with this male voice.*

Dee made an appointment with another voice surgeon, one in Philadelphia. After the operation the voice didn't seem to work, but Dee hoped. She would have to go back to Philadelphia to have the operation assessed. She would stop off in Philadelphia again on the way out to Holland.

A few weeks after Dee arrived in Holland to teach at Amsterdam's Erasmus University, a full-page article with a flattering photo of her appeared in the leading Dutch newspaper, *NRC Handelsblad,* the *New York Times* of Holland. It focused on her views about economics and love, treating her gender crossing as an interesting sidelight. That's how the Dutch press reported on her. A Dutch-language business magazine did a long article on the revival of Adam Smith, noting that "*Deirdre McCloskey is een Chicago girl,*" a free-market feminist, and quoting her at length on an economics that might make sense to women. A sidebar noted that "Donald is Deirdre" and reported her opinion that "*tolerant Nederland is de goede plaats om te transiteren van het mannelijke naar het vronwelijke bestaan*": that tolerant Holland is a good place for the transition from a masculine to a feminine way of life. Yes.

The world's largest program on gender crossing is at the hospital of the Free University of Amsterdam. The program is well-known among gender crossers. Dutch people are amazed at where the program is, because the hospital is part of a university founded in the late 19th century by religious conservatives (thus "Free": free to be reactionary), and the university still tends a little that way. It would be like Oral Roberts University developing in its second century a program for the support of gay marriage. The Free University program has helped many thousands of gender crossers on the model of "illness," with diagnosis and treatment. Dee needed to visit it to get hormones, since American prescriptions are not honored outside America.

They wanted a psychiatrist to interview her, though to Dee it seemed pointless. She was not officially in the Free University program, which for political reasons has to extend the transition to two years of agony between the genders, following the Benjamin Standards, the accepted medical protocols for gender-change operations. But the program would prescribe hormones, so she couldn't offend its personnel by standing up for patient rights. Anyway, she liked the Free University program. *It's good,* she said to herself, *a lot better than the hospital programs in the United States dominated by the example of Johns Hopkins. The big university hospitals at home, run by psychiatrists, try to cure gender crossing, and fail. The Free University Hospital, run by an endocrinologist, tries to help, and succeeds.* Though on the silly model of illness.

The young woman psychiatrist asked Dee the usual questions, mentally running down a checklist of the gender crossing illness. "When did you first want to be female?" "Were you effeminate as a child?" Dee could see the psychiatrist's eyebrows rise when she got an answer that did not fit the conventional "diagnostic" list thrown together for the *Diagnostic and Statistical Manual of Mental Disorders* out of junk science. Dee thought, *She does not realize how silly the list is.*

So what? Does it matter? Can she hurt me? Can she stop my prescription for estrogen or tell my potential surgeon in Australia that I'm not "really" a gender crosser?

Damned right she can.

Time for action.

Dee started lying. They all do it. A psychiatrist proposes to withhold a desired and harmless life from a free, sane adult based on no scientific evidence and no intelligent empathy for the patient and no understanding that the *DSM*'s list of symptoms rewrites the society's myths about gender. We need to examine you. For two years. Wait, wait. We might not ever approve you. Chances are we won't. Dee knew a gender crosser from Galesburg, Illinois, an otherwise normal working-class person, who after two years and $2,500 of "therapy" from a local psychologist was still being delayed: You have more issues to work on. You will *always* have "more issues to work on," dear. *It's therapy for the therapist,* Dee thought indignantly.

Of course the gender crossers lie. They can read the *DSM* just a well as the psychiatrists can. Pat Califia, who wrote *Sex Changes: The Politics of Trans-genderism* (1997), notes, "None of the gender scientists seem to realize that they, themselves, are responsible for creating a situation where transsexual people must describe a fixed set of symptoms and recite a history that has been edited in clearly prescribed ways in order to get a doctor's approval for what should be their inalienable right."

"Oh, yes," Dee said to the Free University psychiatrist, "I've always had these desires. Oh, yes, Doctor, ever since I can remember. Oh, yes it's just like being a woman in a man's body. Oh, yes, I *hate* my penis."

Oh, yes, Doctor, whatever your dopey list says. The psychiatrist's eyebrows returned to normal.

Sleep of the Just

There's no case, Deirdre would argue, for letting psychiatrists get at a gender crosser. People say, "Wait a minute. It's an irreversible step. Better check it out." But the psychiatrists don't know how to check it out. They know nothing about it and are not interested in learning. To make them assess gender crossers is like making a brain surgeon do open-heart surgery. It's not in their competence. The excitement these days in psychiatry is about drug treatment of psychoses. It's wonderful that some clinical depression and even schizophrenia can be helped with drugs. But gender crossing is not a psychosis, and there is no medical evidence that it is associated with psychosis in any form. We might as well have psychiatrists check out people with brown hair or people with cheerful dispositions or people who like to visit Venice as often as they can. Just to make sure.

And The Step is not irreversible. When Deirdre made this point people would get indignant. They at least know *that* much. "What are you talking about? Someone cuts off his penis and you say it's *reversible*?" Please, listen. Operations—not that the operation is the essence of it all—can be reversed, sometimes.

For example you can take out cheek or breast implants. True, with current techniques reconstructing a penis is very expensive. That's the only advantage that males-to-females have over females-to-males in cost and effectiveness: Because it's easier to remove than to make, their male-to-female operation is a fifth the cost of the female-to-male one, a compact, low-end car instead of a Mercedes. But so what? Forget about reconstructing the penis. Many men do not have penises, on account of war or accident or disease. This does not for most purposes make them less men. A man is a man because of his look and behavior, not because of what is secretly in his pants. And beyond the contents of pants, one's behavior and dress can be changed back. The hormones, too, have partly reversible effects. Deirdre would smile and say, "If I stopped female hormones and started testosterone, in five or six months I'd be acting like a jerk again!" The joke worked best if there were lots of other women present.

Anyway, Deirdre continued, we need to ask whether we want to invite psychiatrists to have power over all the comparably important business of life. Having a baby is well and truly irreversible, more so than gender reassignment. A new human being is brought into the world. Well, shouldn't everyone have many years of psychological counseling before having a child? And getting married, though reversible at some cost, like cheek implants, is pretty serious too. So likewise is choosing a career, or buying a house, or taking up golf. If these were treated the way gender crossing is treated we would need for each a certification from psychiatrists achieved through hours and hours of expensive conversation; maybe some drugs; or, if nothing else works, hooking 'em up to the house current. Such certification and treatment would be absurd for the reasons it is absurd for gender crossing. The psychiatrists don't know anything worthwhile about having a child or buying a house or being a gender crosser, as most psychiatrists admit. And even if they did know, in matters not affecting other people's rights we regard ourselves as free individuals. The freedom question is, why not? There's no case for a special enslavement of gender crossers to the psychiatrist except that there are so few crossers that no one troubles to care.

Gender crossing is also called "gender dysphoria," Greek for being uncomfortable with your birth gender. Being uncomfortable with, say, poverty or brown hair or lack of fluency in French is not labeled a disorder. A threat to order, the order that gender is irrevocable. Deirdre was surprised that psychiatrists allowed themselves to be cast as gender police. Nowhere in the literature has a cure been reported for the "disorder," except the cure of letting people be who they wish to be, which has done its work for tens of thousands.

A resolution was passed in August 1997 at the annual meeting of the American Psychological Association in Chicago, a quarter of a century after homosexuality was removed from the *Diagnostic and Statistical Manual.* Homosexuality "is not a mental disorder and the American Psychological Association opposes all portrayals of lesbian, gay and bisexual people as mentally ill and in need of treatment due to their sexual orientation." A year later the American *Psychiatric* Association said the same. Most American gender crossers want the same liberation from psychological/psychiatric torture. They want gender identity "disorder" removed from the list of madnesses and another sentence added to the resolution of 1997: "The same is true for gender crossing and cross-gendered identification." The Canadian gender crossers object, because under their national health service they get money for the operation as long as the "disorder" is in the *DSM.* Consistent Canada. *Merci bien.*

Dee would sometimes wake up at night and be unable to sleep, though it was rare. *The sleep of the just,* she said to herself. But she watched for signs of doubt. She worried that at 3 a.m., stripped of the day's masks, doubt would surface. It never did, and she slept better as Deirdre than as Donald.

She could recognize doubt. Donald couldn't sleep for doubt when he was chair of economics at Iowa. He knew from the experience that he should not go into administration. Just or unjust, you have to be able to sleep. The new president of Harvard in the 1990s had a similar problem and took a year's leave. When Donald left a permanent job at the University of Chicago in 1980, he knew doubt at 3 a.m. His wife would become angry if he talked of his Chicago doubt, for it was tedious after a while to listen to the whining. *My ex-wife would like Deirdre better if she knew her,* she reflected. *No angst.*

She watched for signs of doubt. She worried that at 3 a.m., stripped of the day's masks, doubt would surface. It never did, and she slept better as Deirdre than as Donald.

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SPECIAL BOOK SECTION

Spilt History

By Charles Paul Freund

Virtual History: Alternatives and Counterfactuals, edited by Niall Ferguson, New York: Basic Books; 548 pages, $30.00

What If?: The World's Foremost Military Historians Imagine What Might Have Been, edited by Robert Cowley, New York: G.P. Putnam's Sons; 395 pages, $27.95

After the historical, comes the conditional: That's how Robert E. Lee lost a battle this year in Virginia, where things had otherwise gone so well for the general since the unpleasantness in Appomattox that he'd become a rare American example of honor traduced by fate, of the peculiar fulfillments of the tragic. Yet in June, just as officials in Richmond were placing a Lee mural as a tribute along a new James River walkway, Lee's fate was recast. A single statement by Richmond City Councilman Sa'ad El-Amin ended a widening debate over the mural's propriety, and resulted in what press accounts called the painting's "instant removal." "If Lee had won," asserted El-Amin, "I'd still be a slave."

After the conditional, comes the revisory. That's how Bill Clinton prevented *weltkrieg* last spring. Clinton conjured Adolf Hitler from the grave, as presidents contemplating military action have done before. And then Clinton, to justify his own coming military actions, drove a rhetorical stake through Hitler's black heart. Making his case for the NATO bombing of Serbian forces in Kosovo, Clinton decked his rhetoric in deadly derby and cigar: "What if someone had listened to Winston Churchill and stood up to Adolf Hitler earlier?" he asked an audience of government employees. "How many people's lives might have been saved, and how many American lives might have been saved?"

After the revisory, comes the accusatory. That's how Pat Buchanan has saved the West from military destruction. He closed the western front of the Second World War, allowing Bolshevism and Nazism to lock in mortal battle in the bloody East instead. Hitler, asserted Buchanan in his controversial book, *A Republic, Not an Empire*, "was driven by a traditional German policy of *Drang nach Osten*, the drive to the East," and "had not wanted war with the West." It was only Britain's misbegotten military assurances in the East that sealed the alternate fate of the West. "Had Britain and France not given the war guarantee to Poland," Buchanan argued, "there might have been no Dunkirk, no blitz, no Vichy, no destruction of the Jewish population of Norway, Denmark, Holland, Belgium, Luxembourg, France or even Italy."

What is all this? Since when does politics succumb to an act of the imagination, as it has done this year in Richmond? Since when does history—speculative history at that—breach the wall that in this nation has always separated it from a pragmatic politics defined by the pothole that needed filling or the entitlement that could be created? Since when has foreign policy been advanced—from the presidential stump, yet—in terms of past paradigms as opposed to present national interest? Since when, for that matter, has the historical conditional, which has never succeeded even in establishing its own professional legitimacy, mutated into revisionist rationalization and topical political accusation?

Looking backward politically has always been the role of losers: those sighing over a romantically remembered Lost Cause, or seething over a supposed Stab in the Back. Why are history's seeming winners now engaging in repeated arguments over events that, the suffering and bloodshed they entailed notwithstanding, appear ultimately to have led them to prosperous triumph? After all, alternatives to what happened always include far worse possible scenarios. These are not arguments over expressing regret for outrageous historical injustices. What we have, at the center of our national discourse, is a recurring debate over the essence of our history. What's this about?

Counterfactuals, allohistory, parahistorical conjecture, what if? The bastard child of causal contemplation has gone by many names, as if it were trying to escape its reputation as an unworthy, unprofessional waste of time and instead start life over again in more respectable guise. It has never worked. British historian E.H. Carr, in his 1961 "What is History?" lectures, dismissed all "what if?" speculation as a "parlour game." David Hackett Fischer cited "the fictional question" as a historian's fallacy: "All historical 'evidence' for what might have happened if [John Wilkes] Booth had missed his mark is necessarily taken from the world in which he hit it," Fischer wrote 30 years ago. "There is no way to escape this fundamental fact." The German historian Karl Hampe once declared in the Teutonic absolute that "History knows no 'if.'"

The objections to imagined historical

alternatives seem impressive: What-ifs can never prove anything, can never be tested, can spin out into an infinite number of contradictory scenarios, etc. What then is the point of indulging in them? Worse for the counterfactual, if its critics were to decide tomorrow that History does indeed know an "if" or two, these same critics would certainly reject it anew on the grounds that it is impossibly reductionist. Is the course of Western history really to be balanced on the alternate possible shapes of Cleopatra's nose? Can any kingdom ever have been lost merely for the want of a nail? Is this, as historian Niall Ferguson—a defender of counterfactuals—allows, not merely worrying over spilt milk, but worrying over the milk we might have spilled, but which is actually still safe in the bottle?

And yet the urge to imagine a history that is otherwise has proved persistent in the face of professional rejection, a rejection that has continued despite the hard-won acceptance of "cliometric" statistical what-ifs. In fact, we are obviously experiencing a major spike in such alternative-making: political, literary, and historical. Much of this activity is by writers of imaginative fiction, who kept the field vital during decades when it survived as pulp. Spurred, perhaps, by the 1992 crossover success of Robert Harris' "Hitler Wins" bestseller, *Fatherland*, a steady stream of alternate history anthologies has come from such writer/editors as Mike Resnick and Gregory Benford (a REASON contributing editor). Author Harry Turtledove, a credentialed historian, is his own cottage industry of imagined historical alternatives (he is probably best-known for his "Lee Wins" novel, *Guns of the South*). Del Rey, a science fiction imprint of Random House, has recently established an entire "Alternate History" line of fiction.

Military historians, perhaps more sensitive to the role of the contingent in their field than are their universalist counterparts, have also been unusually busy of late spinning alternate outcomes. Kenneth Macksay has refought WWII from the German side in several works, while Peter G. Tsouras has rewritten both D-Day and Gettysburg, both for Greenhill Books, a British house that is devoting a line to such works. *MHQ: The Quarterly Journal of Military History* devoted its 10th anniversary issue last year to what-ifs, which *MHQ* founding editor Robert Cowley later expanded into this year's quite popular anthology, *What If?: The World's Foremost Military Historians Imagine What Might Have Been*. It features such luminaries as James M. McPherson, Stephen E. Ambrose, William H. MacNeill, John Keegan, and others daring to dip their pens—and their reputations—in other timestreams.

Yalta Summit, 1945: A key "what if?" moment

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But by far the most striking event of all is the appearance (at last) in the United States of Niall Ferguson's *Virtual History: Alternatives and Counterfactuals*, a work that appeared in Britain two years ago. A collection of familiar and new what-if scenarios of uneven insight by a group of historians—What if Charles I had avoided civil war? What if Hitler had invaded England? What if JFK had lived? What if communism had not collapsed?—the book's outstanding essay is Ferguson's introduction, "Virtual History: Toward a 'Chaotic' Theory of the Past," which Ferguson follows up with an afterword that attempts to apply his ideas to the book's other speculations, treating them as if they were historical facts.

The literature of the counterfactual is vast, filled with often-heated debate on military, biographical, medical, meteorological, statistical, and philosophical grounds. Much of the work in favor of the counterfactual is defensive; the most impassioned such defense is certainly Alexander Demandt's *History That Never Happened*, which first appeared in Germany in 1984, and which has never had an American trade edition. Ferguson, author of the bestselling *The Pity of War*, dispenses with the defensive (he does not mention Demandt). His is the most assured approach to the subject since Nietzsche declared "what if?" to be history's "cardinal question." In fact, Ferguson's purpose is not merely to legitimize the counterfactual at all. It is finally to delegitimize the remnants of historical determinism and to establish a countervision of historical cause built on the developing concepts of chaos and complexity.

"Whether by posing implausible questions or by providing implausible answers," writes Ferguson, "counterfactual history has tended to discredit itself." Ferguson's first goal is thus to rebuild it from its foundations.

Those foundations are known to almost everyone because, in fact, almost everyone indulges in counterfactual thinking about

their own lives. When people consider how they embarked on their careers, how they came to meet their spouses, why they may be beset by debt or difficulty, how they wrecked their cars, or how they came to be presented with one opportunity or to have missed another, they are playing back autobiographical what-ifs. Far from indulging in a parlor game, most people are attempting to sort out the complexities of their lives and to come to grips with their own characters; to understand why what happened happened, and why what could have happened didn't. If Karl Hampe were to have declared that "Life knows no 'if,'" everyone would laugh at him because everyone is aware that his or her life has been a succession of such ifs, with lifelong consequences often stemming from the most trivial-seeming circumstances. People understand the role of contingency in their own histories.

Professional history writing, however, has balked at the contingent, and tried to replace it with something else. Ferguson runs through many of the main currents of historiography from its beginnings in search of this factor: the ancient concept of Fortune, the medieval role of God in history, Vico's Renaissance ideas about providential order, the Enlightenment shift toward scientific determinism, the rise of German Idealism as voiced by Hegel, the materialism of Marx. For millennia, almost everyone who was to take up his pen in the service of History was to perceive it in terms of a great cycle, or as progress toward a great end, or to indulge in a teleological exercise of one sort or another. Time had a shape, whether arising from God or reflecting Nature. In such a system, there was hardly room for the individual's free will. What, then, was the role of the contingent and the trivial?

But in 1830, Thomas Carlyle penned one of historiography's most famous passages. The succession of events in the world "is not acted," he wrote, "as it is in written History: actual events are nowise so simply related to each other as parent and offspring are; every single event in the world is the offspring not of one, but of all other events, prior or contemporaneous, and will in its turn combine with all others to give birth to new: it is an ever-living, ever-working Chaos of Being, wherein shape after shape bodies itself forth from innumerable elements." It was, seemingly, an expulsion of science from history, because while "Narrative is linear, Action is *solid*. Alas for our 'chains,' or chainlets, of 'causes and effects.'"

For the intelligentsia of the 19th century, the potential loss of historical shape translated into more than "secularization"; it meant meaningless anarchy. Ferguson identifies the cultural expression of history-as-anarchy as Dostoyevskian despair.

Numerous anti-determinist historians, among them G.M. Trevelyan and A.J.P. Taylor, were afterwards to enjoy distinguished careers. They attempted to accommodate the role of chance in the advance of history, and to argue that strict cause-and-effect extrapolation was, in Trevelyan's words, "a misapplication of the analogy of physical science." But the British school of historical idealism that arose in this century was as opposed to counterfactuals as the determinists.

As Ferguson sees it, "Chaos means unpredictable outcomes even when successive events are causally linked." That is more than history; it is, in the author's word, "chaostory."

Ferguson notes that the British anti-determinists were also historiography's anti-socialists, and that the conflict between anti-determinists and Marxists at midcentury was an open one. "Unfortunately—from the point of view of the idealists—these were conflicts that the other side effectively won." According to Ferguson, "the determinism of the nineteenth century was not, as might have been expected, discredited by the horrors perpetrated in its name after 1917. That Marxism was able to retain its credibility was due mainly to the widespread belief that National Socialism was its polar opposite, rather than merely a near relative which had substituted *Volk* for class."

Historical teleology has since been challenged by a variety of approaches, many of them, like the *Annales* school of mentalities, devised in France. But Ferguson argues that the rescue of History has actually arrived from an unexpected quarter: from science and mathematics. The successful challenge to classical Laplacian determinism in science, he writes, has important implications for the understanding of what history is describing. Many historians, he believes, have been asking the wrong questions, based on an outmoded understanding of what science is. The rise of entropy, the recognition of unpredictability and randomness, and the fall of absolute time have profound implications for history. "Chance is first," wrote C.S. Pierce in 1892, "Law is second, the tendency to take habits is third." Moreover, scientists approach counterfactuals as a natural way to understand the processes they are studying. No scientist will ever state that "Science knows no 'ifs.'"

History's future lies at an intersection of science and art, one that has been explored by such novelists as the Viennese Robert Musil and Philip K. Dick. That intersection has blossomed into chaos theory, and it is where Ferguson seeks to place history, too. "The philosophical significance of chaos theory is that it reconciles the notions of causation and contingency." As Ferguson sees it, "Chaos—stochastic behaviour in deterministic systems—means unpredictable outcomes even when successive events are causally linked." That is more than history; it is, in the author's word, "chaostory."

Here are chaostory's rules: "It is a *logical* necessity," argues Ferguson, "when asking questions about causation to pose 'but for' questions, and to try to imagine what would have happened if a supposed cause had been absent," based on probability. And it is a "*historical* necessity" to attach equal importance to the possibilities as contemporaries understood them before the fact, and less importance to those that contemporaries did not anticipate. "The search for universal laws is futile," con-

cludes Ferguson. "The most historians can do is to make tentative statements about causation with reference to plausible counterfactuals."

Ferguson's argument about historical conjecture helps put its political application—this year's statements about Lee and Churchill, for example—into perspective, and that in turn reveals why the counterfactual is so important. When Clinton applies Churchillian fortitude to the situation in Kosovo, he is seeking not to open our understanding of the historical process, but to limit it. Because political counterfactuals like these imply a simple one-to-one causal relationship between a past situation and a contemporary one—a victorious Lee = slavery today; Hitler = Slobodan Milosevic—they become, paradoxically, what-ifs in the service of determinism. Political counterfactuals look backward from the present, not forward from the past. Though framed in terms of the contingent, these what-if questions are designed to have only a single answer. They are false counterfactuals, polemical devices intended not to open examination, but to close debate.

And they often succeed. Because the counterfactual has been disdained by the history establishment, political polemicists are able to use their counterfeit versions all the more effectively: There are few people prepared to dispute them. In the Lee case, for example, there was no notable objection on historical grounds (though admirers of Lee, black and white, did attempt to defend him on biographical grounds).

The Buchanan situation is even more instructive. Buchanan at least presented his argument—that Hitler did not seek war with the West—with his version of circumstances before the fact of war. His is not a tenable argument for several reasons. There is evidence, for example, that Hitler was all along thinking of a confrontation with the United States and was even preparing for it militarily. More important, Buchanan predicates his case on the grounds that Hitler was pursuing a rational military strategy. On the contrary, Hitler's own military decisions indicate that he had no such strategy. If he had, he might have won his war. In 1940, he was in a position to knock Russia out of the war, or to gain control of the Middle East's oil, or both. His failure to exploit his opportunities was not the result of error, but of the megalomania that shaped his orders. (A good counterfactual examination of Hitler's situation can be found in Kenneth Macksey's *The Hitler Options.*)

Yet much of the response to Buchanan's thesis was actually ahistorical fantasy. It was repeatedly suggested that America's moral duty was to confront evil and fight the perpetrators of genocide. In fact, the United States did not at first know that a Holocaust was occurring; when it did know, it did nothing directly about it (such as bombing the rail lines to Auschwitz). In the meantime, FDR's State Department made sure that a minimum number of Europe's desperate Jewish refugees entered the country.

As for Clinton's Churchill impersonation, the claim that Serbia represented a Nazi-like threat is a trivialization of the 20th century.

These controversies are all lost opportunities, because even a cursory examination of their historical potential yields a richer understanding of the past and our complex relation to it. If we reframe any of these issues as true counterfactuals, some of those potentials appear. What if, for example, the Civil War had ended in some other way than it did. What would have been the effect on slavery?

The answer is that it depends on how the war would have ended. If the North had won a quick victory at First Bull Run, the only probable effect on slavery would have been to eliminate it from the new territories.

The North might well have won its quick war, but for a matter of inches; there is a brief scenario to the effect by Stephen W. Sears in the Cowley anthology. Both armies were green; it was a question of who would break first. Southern troops rallied around Gen. Thomas Jackson, who stood "like a stone wall" amid a hail of bullets. Had even one of those bullets hit Jackson, the rebels might have broken instead of the federals. As it was, the federals had somewhere to go: nearby Washington. The rebels didn't; they could have been chased down, possibly turning the war into a skirmish. Emancipation was not yet on Lincoln's agenda: Four of his Union states were slave states, and slavery continued in the federal capital. Emancipation would have had to come by another route.

If the war had ended with Union victory in 1862, after Antietam, slavery would have ended, but possibly not as it was eventually to end. Emancipation had been proclaimed by then, primarily in hopes of fomenting a slave uprising in the South, and of preventing British recognition of the Confederacy. The Emancipation Proclamation, when it was announced, included the resettlement of freedmen (either to Liberia or to Panama) and compensation to slave owners. Those were the terms of slavery's 1862 end in the District of Columbia (though there was no serious effort at resettlement). When the Emancipation Proclamation became law the next January (freeing only the South's slaves), the issues of resettlement and compensation had been dropped.

But what if Lee had won the war at any point after taking command? What of slavery then? There are many possible scenarios, one of them being the immediate start of an emancipatory process, if not outright emancipation. Why? The answer lies with the significance of Great Britain to the South's economy: The South would not have survived without continued British trade in cotton. But Britain could not, for domestic political reasons, stand as the bulwark of the South's slave-dependent economy. Indeed, Palmerston, the British prime minister, was already concerned about the issue in 1861, when he anticipated a Southern victory. If emancipation equaled survival, the Confederacy's hand might have been forced. Many authors have argued such a scenario, among them Winston Churchill.

But Churchill went further. Writing in 1932, Churchill argued that an independent Confederacy would have necessarily changed the relationship of both the North and South to Great Britain, altered the balance of power in Europe, and prevented World War I. A victorious Lee, according to the Churchill counterfactual, would have ended slavery and, ultimately, spared the world two immense wars, Nazism, Soviet Communism, genocide, and 40 years of Cold War. Where's that Lee mural?

Could Lee have won? That controversy continues today. Lee's detractors argue that it was folly for him to take the war north; that he should have adopted a defensive strategy, forcing the more powerful Union to exhaust and demoralize itself with attempted invasion. (Edward H. Bonekemper's *How Robert E. Lee Lost the Civil War*, out now, is the latest book to argue this case.) Yet Lee came close to wiping out the North's advantages. A few minutes difference in the race to control Little Round Top and the world might well be a different place. A successful Pennsylvania campaign by Lee might have ruined Lincoln's hopes of re-election.

The really haunting turn in the war, however, involves Lee's Lost Order. Entering Maryland in 1862, Lee issued an order splitting his troops. A Confederate officer wrapped his cigars in a copy of the order, then lost them. In the most improbable event in American history, the order found its way into Union hands, precipitating Antietam.

What if that had not happened? What becomes of the Civil War when one subtracts from it its bloodiest day? Can chaostory accommodate such an equation?

For many, the possible answers are less alluring than is the mystery inherent in the event and its consequences. Carlyle was right: Every event in the world is the offspring of all other events. But there can be no total history. Some dimensions of history remain the province of art.

Ferguson's definitional limits to the counterfactual may serve history well, but they appear to orphan counterfactual fiction. A word should be said in its favor, because as a literature of history's unrealized potentials, it is an expression of the inherently possible.

It is ever more apparent that one of the reasons for the West's immense success is that—unlike its predecessors and alternatives—it has accommodated chance and complexity, building them into its system. Our unending open carnival of expression and markets puts into play a panorama of concepts and things—vulgar, mediocre, sometimes sublime—that yields results that cannot be planned or predicted. Science writer James Burke calls it "the pinball effect"; REASON editor Virginia Postrel terms it "dynamism." History may have surrendered its shape, but in doing so it also surrendered its limits.

That is the subject of counterfactual fiction, only directed at the past: history without bounds. It is deeply popular genre, in that it willingly vulgarizes history's actors, great and evil: Hitler as a demented American immigrant pulp artist in one story; Disraeli as a Victorian gossip columnist in another; the poet Byron as the King of Greece in a third. But this is less a trivialization of historical role and causation, and more a boisterous, unrestrained inquiry into them. Though the process may sometimes shrink a mythic past, the potential of the future expands.

"Footfalls echo in the memory," wrote a wistful T.S. Eliot, "Down the passage we did not take/Toward the door we never opened/Into the rose garden." But history's imaginers—Philip K. Dick, L. Sprague DeCamp, and their successors—have gone roaring down that passage and ripped open the door. Out in that rose garden, they've staged an anything-can-happen party to which everyone's invited. Bring your own History.

Charles Paul Freund (cpf@reason.com) is a REASON *senior editor.*

The New College Try

By Nick Gillespie

In Plato's Cave, by Alvin Kernan, New Haven: Yale University Press, 309 pages, $25.00

Failing the Future: A Dean Looks at Higher Education in the Twenty-First Century, by Annette Kolodny, Durham: Duke University Press, 298 pages, $24.95

What's College For?: The Struggle to Define American Higher Education, by Zachary Karabell, New York: Basic Books, $24.00/$14.00 paper

Few topics inspire as much doomsaying, declinism, and nostalgia as U.S. higher education—a recurring motif neatly summed up in the title of the recent academic memoir, *Gone for Good: Tales of University Life After the Golden Age*. Not coincidentally, few institutions have proven as adaptable, open-ended, and robust as American colleges and universities. Indeed, it's nothing less than astounding that all the colonial colleges—Harvard, William and Mary, Yale, Pennsylvania, Princeton, Brown, Columbia, Rutgers, and Dartmouth—are still up and running more than 200 years after their foundings.

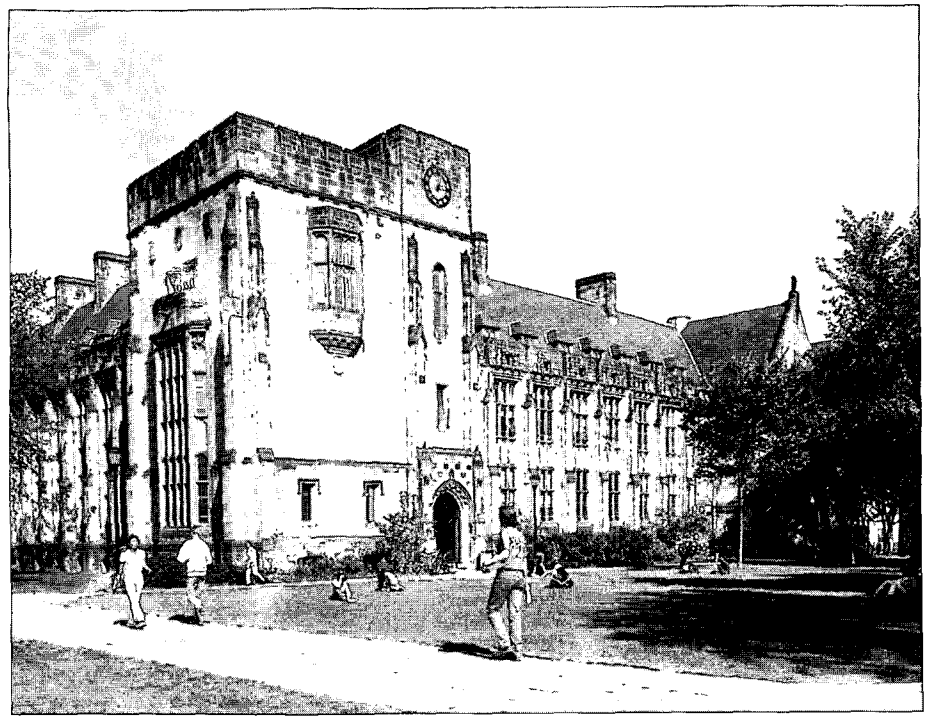
Of course, those schools barely resemble their former selves. It is precisely that ability to morph into new and varied forms that underlies the continuous pronouncements—from the right and the left, the old and the young, the smart and the stupid—on the "death" of the university, the "decline" of college, and the ongoing "crisis" in higher education. Colleges and universities *are* always dying, declining, and lurching from one crisis to the next. But they are also always being reborn, getting restored, and resolving problems.

In the early 19th century, administrators wrung their hands over whether to teach modern languages and, even more scandalous, "modern" literature (e.g., Voltaire and other Enlightenment authors); in the late 19th century, they vociferously debated whether students should have the right to pursue elective courses and to study science; in the early 20th century, they fretted over the "Jewish problem" (i.e., too many smart Semites) and whether American literature was worthy of study; during the 1960s and '70s, they debated assigning letter grades, killing foreign language requirements, chucking frats and

ROTC and *in loco parentis*, and going coed. Nowadays, heated, intense, and ugly debates abound over every conceivable topic related to higher ed: corporate and state funding, curriculum, speech codes, academic standards, preferential admissions, campus alcohol policies—you name it. These ongoing battles are best understood as signs of life, however, not death.

Our country's loosely knit system of post-secondary education is a study in decentralized and continued change, a forceful example of Schumpeterian creative destruction, with all sorts of models proliferating and competing, some flourishing and others failing (some colleges even go out of business). In 1800, there were 32 colleges in the country, none of which regularly admitted blacks or women and most of which had religious affiliations. Today, there are more than 3,600 post-secondary institutions, including about 1,500 two-year colleges, 2,200 four-year colleges, and about 450 Ph.D.-granting institutions. The huge growth in schools has been more than equaled by a huge increase both in the sheer number of students and in their variation. In 1900, less than 3 percent of adult Americans aged 25 or older had a bachelor's degree; by 1970, that figure stood at about 10 percent. In 1997, it was about 25 percent. In the past, students were overwhelmingly affluent males. In 1997, according to *American Demographics*, fully two-thirds of graduating high school seniors—including 70 percent of women, 64 percent of men, 68 percent of whites, and 60 percent of blacks—immediately matriculated at a four-year college.

These are healthy numbers and they reflect a basic health in higher education: More people can go to more schools that are more or less to their liking. That's not to say there are not problems with higher education, or that some trends are not better than others, or that there is no room for criticizing specific policies at specific schools. Rather, it is to underscore that precisely those issues are constantly being raised, debated, and worked through. Contrary to appeals to a fabled Utopian U. and jeremiads predicting certain and imminent doom, higher education in the United States must be considered a huge success, one inextricably bound up in colleges' and universities' willingness to change.



MICHAEL MARSLAND, YALE UNIVERSITY OFFICE OF PUBLIC AFFAIRS

College Pep: Our system of post-secondary education is a study in decentralized and continued change, a forceful example of Schumpeterian creative destruction.

In different ways, Alvin Kernan's *In Plato's Cave*, Annette Kolodny's *Failing the Future*, and Zachary Karabell's *What's College For?* explore how schools adapt to new circumstances. These books document significant changes that have occurred, suggest possible directions for the future, and add something significant to the ongoing discussion about the future of college and university life. Anyone interested in the evolution of American higher education over the past 50 years will find much of interest here.

Kernan's memoir offers a view of the academy from the top: As an undergraduate, he was educated at Columbia and Williams on the G.I. Bill and, after getting a B.A., he did a stint at Oxford. He earned a Ph.D. in English from Yale and spent his teaching career in New Haven and at Princeton. He is a well-known critic who has written about topics ranging from satire to Shakespeare to print technology. Prior to his retirement in 1990, he occupied a series of high-level administrative posts at both Yale (where he served as provost) and Princeton (where he was dean of the graduate school).

In Plato's Cave reflects on "seismic changes in American higher education since World War II," by which Kernan means primarily the "vast popularization of American higher education...[that] has made it possible for almost any American graduating from high school to attend college." That "democratization," along with technologies such as the Internet that have undermined monopolies on information, has resulted in nothing less than an "epistemological" shift. "Traditional concepts of what we can know and who can know it were questioned at all levels," writes Kernan. "Science set the scene with relativity theory, fractals, and the uncertainty principle, but in the latter half of the century deconstruction—the most descriptive name for a much broader 'postmodernist' movement in theory—took uncertainty to its nihilistic extremes in the humanities and social sciences, 'demystifying' traditional knowledge, replacing positivism with relativism, substituting interpretation for facts and discrediting objectivity in the name of subjectivity."

This opposition between the "old academic order" and the new is overdrawn. Since their founding about 100 years ago, literature departments have been hotbeds of disputes over critical methodology and canons; contemporary debates in most other disciplines similarly differ in degree, not in kind. Nor is postmodernism's emphasis on the limits of knowledge nihilistic, either in theory or in practice. In many ways, postmodernism's recognition of knowledge as provisional and partial participates fully in Enlightenment ideals of self-critique and scrutiny; similarly, it's rare to hear a postmodernist actually assert that all choices are equal. But Kernan is certainly correct that the willingness to "question all authority" has grown over time and that this tendency is linked with greater access by a wider variety of people to the university. Even at elite schools, the reaction to being granted entry quickly moves from docile gratitude to confident demand, with a changed institution the inevitable result.

Such changes can happen more or less quickly and more or less rationally. On the irrational side, Kernan recounts how in the spring of 1970 Yale's campus was filled with mania over the upcoming trial of Bobby Seale for the murder of a fellow Black Panther. Though the university had no connection to the case, a number of prominent activists, including Jerry Rubin and Abbie Hoffman, urged Yale students to violent "revolutionary action," and the school quickly became embroiled in the trial's larger racial dynamics. Yale's black faculty members, whom Kernan suggests were rightly less interested in Bobby Seale's fate than in their own, took advantage of the charged situation to present the administration with a list of demands for "some very practical things: more tenure slots for black faculty and more money for African-American projects."

If implied violence is hardly a preferred method for effecting change at a university, neither is it particularly common. More typical is the process by which Kernan and some colleagues created a new, "relevant" course to revive flagging interest in literary studies. "Even skeptics [of new critical methodologies] like myself understood...that the old regime of Romantic literature had become in many ways a museum, filled with great works but removed from its human context to a world of hushed reverence, separate from normal human activity," he writes. "If literature was to be saved from oblivion, [we needed to provide] a more open, less idealized context for literary study that located the canonical works, *Oedipus Rex* and *The Aeneid*, *King Lear* and *Madame Bovary*, in the middle not of perfect art but of a continuing, ever present human activity of making up stories that give meaning to events and sort out the perplexities of human life."

That desire to reach indifferent students led to a popular interdisciplinary course team-taught by scholars in English, German, French, and other languages, and course materials that juxtaposed previously unthinkable combinations: "Tarzan of the Apes with Conrad's Mr. Kurtz; Superman with Achilles; advertisement with sonnets." Traditionalists cringed at such fare (and still do), but the course proved hugely successful. "The students took to the idea, and it was all very lively," reports Kernan, who adds that the course became the basis for the major in comparative literature, "where it has continued to flourish."

Kernan is himself a traditionalist, but he understands that change is inevitable. Reflecting on the shift in the second half of the 20th century toward "a new kind of democratic university," he writes, "Though my heart is with the old academic order in which I was trained, my argument is not that this radical change is, as many of my contemporaries believe, an educational catastrophe. The new democratic universities will in time make necessary compromises and settle into their own institutional forms to educate people to their own ends."

Annette Kolodny's *Failing the Future* describes in detail some of those compromises and new institutional forms. Kolodny is a high-profile feminist critic of American literature, best known for the influential 1984 study, *The Land Before Her*. From 1988 to 1993, she was dean of the College of Humanities at the University of Arizona in Tucson, a position that made her responsible for an annual budget of about $18 million, 200 full-time faculty, and 22,000 graduate and undergraduate students (she is now a professor at Arizona). Though her focus is on the public research university, the major issues she discusses—budget constraints, tenure reform, curricular change, and the like—have wider relevance.

A conventional academic leftist, Kolodny of course hails the democratization of the university. But even as she celebrates increased access to higher education, she is resolute that it's all imperiled by the usual suspects—"vicious corporate downsizing for the sake of short-term profits, a fraying social safety net, and widening inequalities in income distribution"—all of which "have turned the nation sour and cynical." Similarly, she clings to the hope —not fully done in by decades of 70-percent-plus personal income tax brackets— that "a truly progressive tax system" will finally bring about "social justice." Reality in the form of low unemployment, heightened standards of living for virtually all Americans, increased spending on higher education, and, perhaps most relevant of all, the huge and continuing enrollment in colleges just can't cut through such canards.

More disturbing, Kolodny often personifies the worst trait of political correctness: intolerance of criticism or open debate. She puts forth a definition of what she calls "antifeminist intellectual harassment" which is so broad and vague that it precludes the possibility of any legitimate critical engagement with feminism or feminist scholarship. By her lights, such "harassment" includes "any policy, action, statement, and/or behavior [that] has the intent or the effect of discouraging or preventing woman's freedom of lawful action, freedom of thought, and freedom of expression." Such harassment occurs "when any policy, action, statement, and/or behavior creates an environment in which research, scholarship, and teaching pertaining to women, gender, or gender inequities is devalued, discouraged, or altogether thwarted." Such an outrageous, pre-emptive position is not only the polar opposite of legitimate academic debate and inquiry; it is also far removed from the best feminist scholarship, which seeks critical engagement, not special standing.

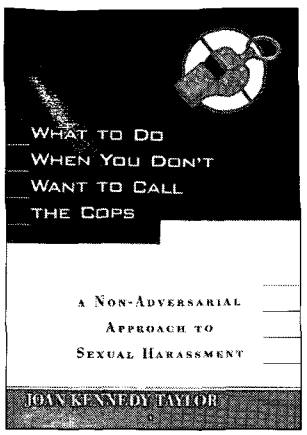
Still, *Failing the Future* is instructive on how colleges are adapting to changes in both student body and faculty. Kolodny's chapter on recognizing and responding to "cognitive diversity"—different styles of learning—contains some practical insights. She tells of working with the director of the basic language program in German and the head of Arizona's Language Research Center to develop a "learning mode profile" that would indicate whether a particular student responds more quickly to large conceptual frameworks or to an "aggregate of details." In other words, writes Kolodny, "will the student learn German more easily if she is first introduced to the theory and structure of an inflected language, or will she do better with some basic grammar rules and vocabulary-building?" Given rising enrollments—and competition among colleges for students—Kolodny is certainly correct that "the next generation of Ph.D.s...must be prepared to teach a more inclusive everyone, and they must be prepared to teach everyone well."

Curiously, for someone who seems to detest markets ("they are," she claims, "notoriously unreliable as protectors of the common good"), Kolodny understands incentives extremely well. That's rare among college administrators, who typically rule by decrees that often fail to actually change faculty and student behavior. As dean, Kolodny instituted competitive grant programs that motivated faculty and staff to develop or rethink curricula to interest students while maintaining academic rigor. These incentives ranged from a $5,000 grant for developing new curricula to free lunches to support a "buddy" system for new faculty, in which two tenured faculty met informally with new hires.

As her views on "antifeminist intellectual harassment" suggest, though, Kolodny's calls for "bottom-up" and "decentralized" decision making have definite limits, as does her appreciation for institutional experimentation. Generating new course offerings, say, is all to the good, while any tampering with the far more fundamental (and static) academic institution of tenure is merely a sign that you've been influenced by nefarious "conservative forces," whose attack on tenure she im-

"DEMONSTRATES THAT FREE SPEECH AND WOMEN'S EMPOWERMENT ARE MUTUALLY REINFORCING IN THE WORKPLACE."

—NADINE STROSSEN



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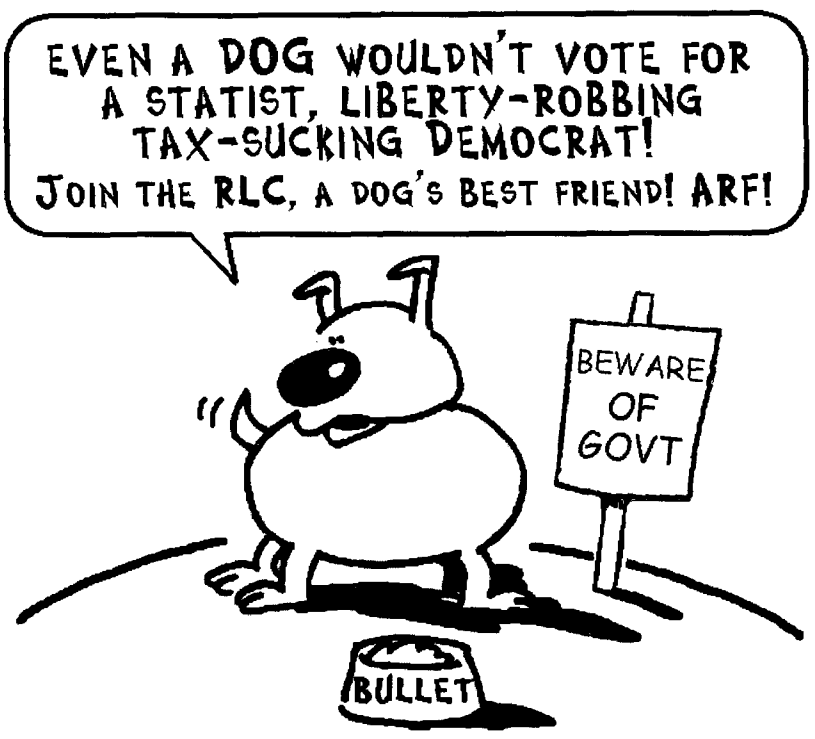
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plausibly claims is really aimed at discouraging minorities from aspiring to academic careers.

That would be news to Zachary Karabell, author of *What's College For?* Like Kolodny, Karabell is a conventional academic leftist. Yet his nonideological attitude toward tenure exemplifies the main strength of his book. Karabell, a Ph.D. who has taught at the college level, spent time talking to students, professors, and administrators at schools ranging from community colleges such as Los Angeles' Pierce College to massive state universities such as Texas A&M.

Pace Kolodny, Karabell views tenure not as an "absolute good" but as something that "has so distorted the academic labor market that any benefits to free speech are more than outweighed by the distortions in the economy of higher education and the stultifying intellectual and professional orthodoxies that tenure promotes." Most critics of tenure, he points out, are chiefly concerned with the corrosive effects that guaranteed employment has on job performance. Where Kolodny hugely underestimates the "deadwood" in most academic departments at between 3 percent and 5 percent, Karabell's figures suggest that even if that low-ball estimate is accurate, underperforming faculty are very well protected by tenure.

"Out of nearly nine thousand tenured professors in public colleges in Texas, only eight were fired between 1990 and 1995, three for poor performance," he writes. "In the past twenty-five years, UT-Austin [the state's flagship school] has fired only one tenured professor for incompetence. In the entire United States, only fifty [tenured] professors are fired annually." The main effect of tenure, particularly at relatively uncompetitive institutions in which there is no collegial pressure to keep up in one's field, is to protect faculty from working too hard.

That's not to say Karabell is against tenure per se. Rather, his larger point is that if higher education is to remain vital and strong, schools must be free to experiment. "It may be that at places like Bennington and New College [which have gotten rid of tenure], academic freedom will disappear, consumerism will dictate course offerings, and academics will be underpaid and overworked. But only if these experiments are encouraged and carefully studied will we know. We could envision hundreds of variations on tenure, from its abolition in some places to a far easier granting of it at others. And it may be that variety would best meet the needs of a higher-education system that encompasses thousands of different schools."

Academia is, of course, crawling toward precisely that sort of variety: Some schools are doing away with tenure, while others are instituting new "post-tenure reviews" or expanding the use of full- and part-time, non-tenure-track instructors. Critics typically paint such developments in apocalyptic terms, but Karabell properly contextualizes them as useful responses to changed economic and educational realities.

The strength of American higher education is its variety, and any attempts to homogenize the experience are not only bound to fail but also undermine the system's strengths.

Karabell's understanding of competition as a necessary discovery process infuses *What's College For?* with energy and insight. Echoing a theme that runs through Kernan's and Kolodny's books, Karabell argues that students are the ultimate engine of change in higher education; their changed makeup and the demands they make inexorably change the schools they attend.

At all but a few very well-endowed private schools, he notes, tuition dollars are necessary to keep the operation running; at state-assisted institutions, healthy numbers help keep public-sector funding levels up. Karabell worries about that need to placate students. He argues that in an age where employers and workers alike increasingly view a B.A. as a prerequisite for a "decent" job, students and professors are more likely to find themselves at loggerheads. That's because, he says, "professors believe that a college diploma represents the culmination of an education. Students, however, increasingly see the diploma as a credential that will lead to a better job. In an ideal world, education and credentializing would be compatible, but in the world of higher education today, they are often at odds." He further frets that such "commodification" of education erodes standards and skills.

Karabell grossly overstates the mismatch. Certainly, students want a diploma and, at least since the Middle Ages, most have tried to get it by doing as little work as possible. But they also recognize that few employers (or graduate programs) uncritically accept any given degree, even from a prestigious school. Students know they will be hired less on the basis of a piece of paper and more on the skills and the potential it represents. Your grades, your institution's reputation, your related experience, your references, your self-presentation, and a host of related concerns all have a huge impact on your prospects. All also work ultimately to push standards up precisely because employers are ultimately more interested in specific skills rather than a general degree.

Karabell is on much firmer ground when he explores a different mismatch, one also touched on by Kolodny. Doctoral candidates, Karabell points out, are trained at institutions usually very different from the ones at which they end up. Although they are trained primarily as research scholars—and typically receive no formal pedagogical instruction—they are likely to find themselves in teaching-intensive schools where research is either de-emphasized or discouraged. The very professors at Ph.D.-granting schools who are responsible for training future faculty members, writes Karabell, are attempting to "maintain a definition of the university that excludes more than it includes." The "guild mentality" among faculty at research universities doesn't just exacerbate tensions by leaving new professors unprepared for the actual classroom experience that will largely define their professional lives, says Karabell. It "often impede[s] the efforts of individual professors, students,

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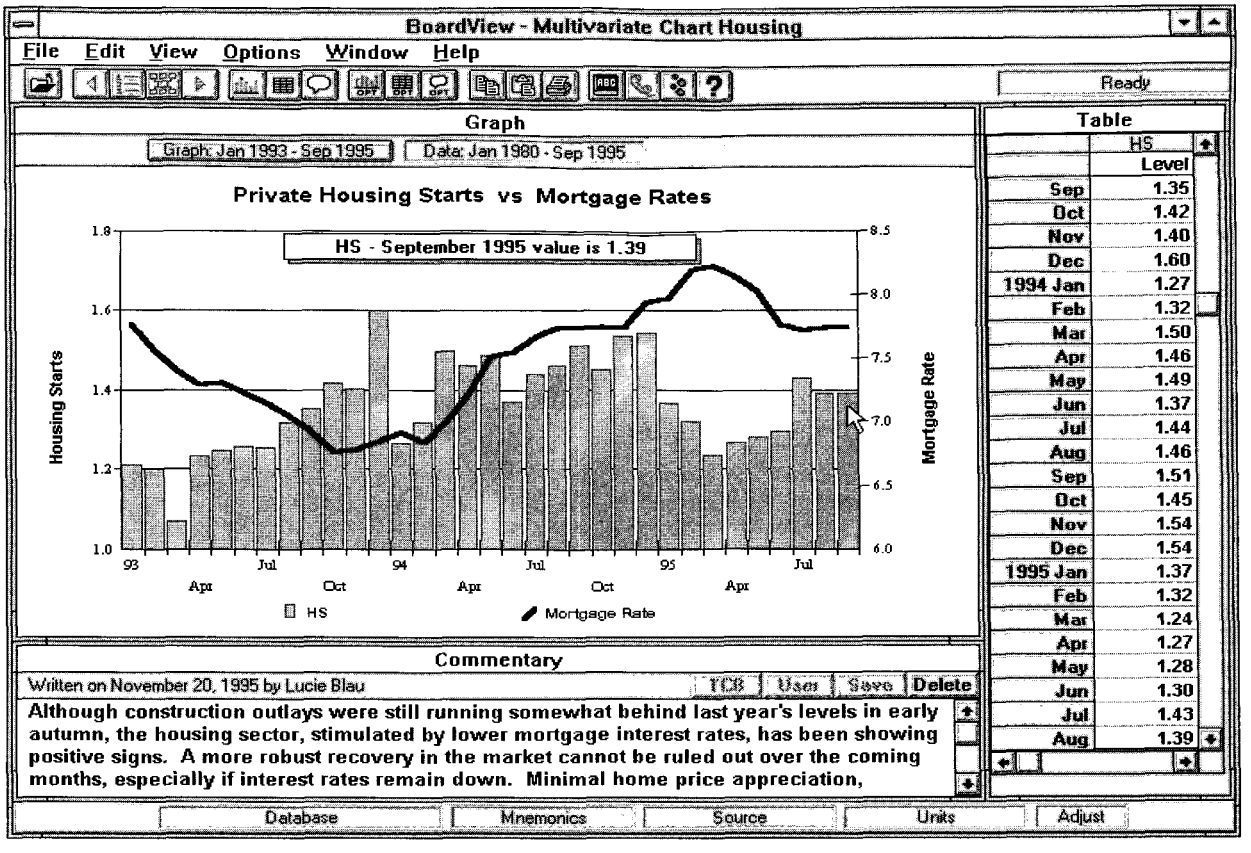

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and schools to innovate."

Yet, as Karabell himself acknowledges at various points, that innovation has proven to be irresistible, and his own book underscores that anxiety over the fate of higher education is simply a sign of a lively debate. In the end, he strikes just the right note. If Kernan looks back to the past too elegiacally and Kolodny to the future too fearfully, Karabell recognizes that "the strength of American higher education is its variety, and any attempts to homogenize the experience are not only bound to fail but also undermine the system's strengths....The result [of decentralized experimentation] may not be neat; it may be unwieldy. But it will serve an American society that has since the beginning been messy, contradictory, and at its best, incredibly vibrant and astonishingly creative."

Executive Editor Nick Gillespie (gillespie @reason.com) received his doctorate in American literature from the State University of New York at Buffalo in 1996.

News from Nowhere

By Jesse Walker

The End of Utopia: Politics and Culture in an Age of Apathy, by Russell Jacoby, New York: Basic Books, 236 pages, $26.00

Apocalypse Pretty Soon: Travels in End-Time America, by Alex Heard, New York: W.W. Norton, 360 pages, $24.95

A utopia is, by definition, a fantasy: The word literally means "no place," and the classical utopias existed only in the imagination. Sometimes, they were enchanting literature. Political scientists may sneer at the French socialist Charles Fourier, in whose utopia the planets copulate and the oceans turn to lemonade, but the surrealists loved him.

Their enthusiasm certainly makes more sense than that of those 19th-century Americans who actually tried to found Fourierist "phalanxes." There's a reason why most utopias remain placeless, as Fourier's fans and the other utopian colonists of the era quickly discovered: It's pretty hard to design any community from scratch, let alone one that overturns dozens of social conventions. Even the colonies that succeeded for a sustained period of time—the towns founded by the American anarchist Josiah Warren, for instance—were soon either absorbed into the society around them or destroyed by the sort of outside forces that could erase any community, whether or not it was baptized by idealists.

America still has hundreds of intentional communities, some more successful than others, along with elaborate plans for even larger colonies—the "new country" fantasies that periodically flicker in the libertarian press, for example. But most new settlements today are commercial developments, not utopian communes; they're governed by condo boards and CC&Rs, not socialist or religious visionaries. The dream of a world without exploitation has persisted, but the smart money is invested in worlds without pets.

Literary utopias, on the other hand, have flourished, especially if you include the sort of writing that is concerned less with designing a new order than with simply imagining how—to borrow historian Russell Jacoby's definition of utopia—"the future could fundamentally surpass the present." Modern utopianism includes virtually every tract about the alleged New Age, every Luddite proposal to erase the last two centuries, every call for a religious reawakening, every manifesto on the transformative powers of cyberspace. It includes Web sites, science fiction novels, and essays in xeroxed zines.

Even conspiracy theories can be utopian, since a dystopia is also a kind of utopia. I'm not talking about allegations of crimes in high places (many of which, we've learned, turn out to be true); I mean the wild stuff, the tales of alien implants and Masonic mind control, of cabals always *just* poised on completing their long march toward global rule. From Swift to Orwell, dystopian writers have exaggerated social trends they dislike, forging those artful distortions into satires. Conspiracy folklore does the same thing for the same reason, except that most of these dystopians actually believe in the worlds they've invented.

Given all this, it's amazing to hear Jacoby claim that utopianism is "stone dead." But in *The End of Utopia*, he does just that.

Jacoby is a leftist intellectual with a reputation for bashing other leftist intellectuals. He's good at it: His last book, *Dogmatic Wisdom*, made a strong case that the left, far from "subverting" the academy, has actually been absorbed by it. *The End of Utopia* continues the thought. With the left reduced to a socially irrelevant faction of the professoriate, Jacoby argues, it has become less interested in transforming society than in tinkering with it. It has stopped dreaming of different, better worlds and, without those utopian fancies to fortify it, has lost its spine. "Can liberalism with a backbone exist if its backbone turns mushy?" Jacoby asks. "Does radicalism persist if reduced to means and methods?"

Apparently not, as far as at least some leftists are concerned. The good parts of Jacoby's book describe the sort of material those erstwhile radicals have been reduced to producing. My favorite is the semiotician who managed to draw out an analysis of *The Cosby Show*'s opening sequence for seven pages. Her conclusion: "The syntagmatic structure of the opening credits might be described as a theme and variations, where Cosby is the theme and each child—and his wife—appear as variations." (And you thought the *show* was dull.)

But it's a long jump from the decline of the left to the death of utopia, not least because leftists are hardly the only utopians in the world. Jacoby seems unaware of this. He even drafts F.A. Hayek into the anti-utopian camp, citing the economist's sardonic reference to socialist and fascist totalitarianism as "the great utopia." But

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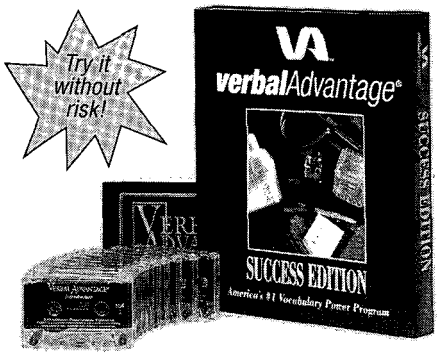

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it was Hayek who called for "a liberal Utopia, a programme which seems neither a mere defense of things as they are nor a diluted kind of socialism, but a truly liberal radicalism that does not spare the susceptibility of the mighty." This is precisely the defense of utopia that Jacoby offers, but Hayek's status as a free-marketeer apparently puts him beyond the pale.

Only in his last chapter does Jacoby cite some nonsocialist brands of utopian thought, and he doesn't have much of interest to say about them. Consider, for example, his sole reference—brief, dismissive, and trite—to cyberspace. "The belief a new media [sic] will transform the cultural terrain is trotted out every generation," he writes. "Yet each new medium—radio, film or television—quickly gets integrated into the culture."

What sloppy thinking is this? A new medium can hardly transform a culture *without* being integrated into it. Furthermore, the three media Jacoby mentions *did* transform the culture—not in the way their utopian proponents envisioned, of course, but if that's what Jacoby means, that's what he should write.

More important, there still are utopian dreams attached to radio, film, and television, as anyone familiar with the microbroadcasting and video hacking movements can attest. If anything, those currents are resurgent. By staking out radical visions of open, populist, decentralized media, they've invigorated the mainstream's media debates. To use Jacoby's terms, they provide a utopian "backbone" for the more moderate reformers' "means and methods."

Jacoby also devotes a lot of space to the argument that utopia need not be totalitarian or dull. This is a rather easy point to make, especially if you accept his broad definition of utopian writing. Nonetheless, he circles endlessly around the issue.

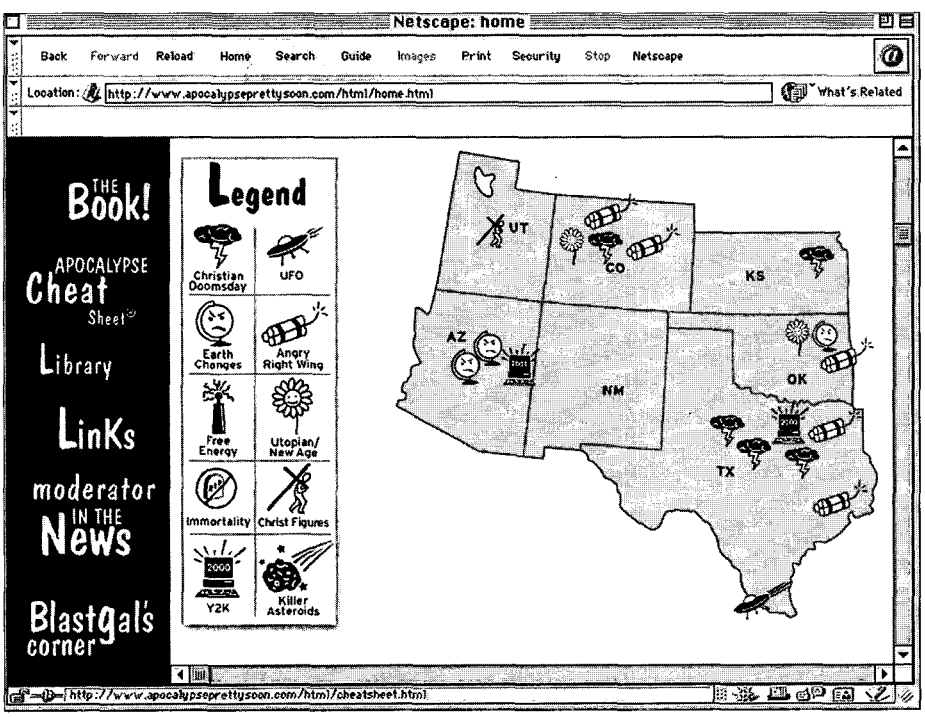
On one of those loops, Jacoby cites a series of "dissenting leftists" who "protested an idea of the future as an improved model of the present, where labor was not abolished or minimized, but simply better compensated." One of these protesters is Paul Lafargue, Karl Marx's son-in-law and the author of *The Right to Be Lazy*. Jacoby represents Lafargue's views with a quote: "If...the working classes were...not to demand the Right to Work which is but the right to misery, but to forge a brazen law forbidding any men to work more than three hours a day, the earth, the old earth, trembling with joy would feel a new universe leaping within her."

If this is the sort of utopian thought Jacoby believes is dead, his obituary is particularly ill-timed. Lafarguean attitudes actually underwent a revival in the '80s. They were widely espoused in the zine world by such writers as Bob Black and the late Fredy Perlman, and they influenced figures ranging from *Simpsons* creator Matt Groening (in his cartoon collection *Work Is Hell*) to science fiction writer Bruce Sterling (who included an anti-work political party in his novel *Islands in the Net*, with a leader modeled after Black). In the '90s, this "zerowork" tendency has served as the utopian backbone of the movement to reduce Americans' work hours. (You know all those articles complaining that we don't get as much vacation time as the French? You can trace those back, indirectly, to Lafargue.)

More broadly speaking, the notion that it is good to reduce toil has supporters on both the academic left, to judge from such books as Juliet Schor's *The Overworked American*, and the free market right, to judge from Schor's ablest critics. (Very few people attacked her book by claiming that excessive work is good. Most took her analysis to task, arguing that the average American's work hours are actually declining—and that *this* is good.) And on the far right, the survivalist bookseller Loompanics—the self-proclaimed "lunatic fringe of the libertarian movement"—has sold *The Right to Be Lazy* for years.

In other words, there's no shortage of utopianism in the world. You just have to look past the collegiate left to find most of it.

Alex Heard would never dream of so limited a search. In *Apocalypse Pretty Soon*, a travelogue of the apocalyptic and utopian fringe, *Wired*'s executive editor encounters a rich cast of kooks, few of them likely to turn up in a faculty lounge. There is Marshall T. Savage, who hopes to establish high-tech colonies in the ocean, in orbit, on the moon, and on other planets. Brock d'Avignon, by contrast, would be satisfied to erect a libertarian paradise on an artificial island. Dr. Steven Greer doesn't need to build any islands: He ex-



World Weird Web?: Russell Jacoby tritely dismisses cyberspace, yet it evokes—and is filled with—the very utopianism he claims is dead.

pects aliens to bring paradise to Earth. The Rev. Clyde Lott thinks God will handle that—but only after a lengthy Tribulation. Dick and Leigh Richmond-Donahue expect a more ecological tribulation, after which a handful of enlightened enviro-survivalists will build a new world.

Never afraid to call a scamster a scamster or a nut a nut, Heard also can be respectful, even affectionate, about his subjects. "Much of the scholarship and skeptical commentary I've read treats millennialism as, essentially, a form of popular insanity, a disease, one that usually has dire consequences," he notes. But most millennialists "function peacefully with their ideas."

If a traditional utopia reduces a complex world to one dreamer's blueprint, Heard's ironic utopianism enriches the world, letting us move between different social visions.

This is not a minor matter: In July, the FBI's Michael Vatis warned Congress that his agency "expects to see increased and possibly violent activities among certain groups related to the millennium." This fear, of course, is itself a millennial phenomenon, and given the FBI's uninspiring record in dealing with "certain groups related to the millennium," it could turn into a pretty nasty self-fulfilling prophecy.

Some fringe groups do have the potential for violence. But for most, Heard finds, Armageddon is always imminent but never arrives; it's more a comforting presence than a threat. "The key for happiness," he writes, "is for redemption to shine forever on the horizon." Hence the "pretty soon" in his title.

Heard's approach makes for delightful reading, especially if you've just slogged through something as boring as Jacoby's tome. It also raises some questions about the author. Heard is unable to adopt any of the belief systems he investigates, though in one case (involving life after death) he'd clearly like to. Yet he keeps throwing himself into these odd subcultures, investigating them with something more than voyeurism in mind. After a while, I started suspecting he too enjoys that pretty-soon feeling of changes on the horizon, even if he's too skeptical to adopt any millennial faith himself.

I suspected him, in other words, of what one might call *ironic utopianism*. Of all the species of utopia, this one is the least literal and the most literary: It is more speculative than prescriptive, more an anthem than a constitution. If traditional utopias reduce a complex world to one dreamer's blueprint, ironic ones enrich the world, letting us move between different social visions.

Thus, when Heard, bored with modern futurism (a meeting of the World Future Society was "like ascending the mountaintop and looking out at a carpet-and-tile showroom"), starts hanging out with d'Avignon the would-be island builder, he gets inspired, even though he doesn't expect the man to build his colony and probably wouldn't want to live there anyway. "I didn't believe he would single-handedly rehabilitate wing-finned futurism," Heard admits. "In fact, I had a strong suspicion right from the start that he wouldn't accomplish much of anything. What interested me was the quest."

From there it is a short step to a different sort of utopia, one that you don't imagine outside the world but try to discover within it—utopia not as fantasy but as epiphany. Desmond Morris, the anthropologist, once hinted at this approach. "My greatest punishment would be to be confined in the classic conception of a utopia, where nothing ever goes wrong and everyone is permanently, boringly happy," he wrote. "The real world in which I live is already sufficiently curious, rebellious, eccentric, and evolving to give me my utopia right here and now."

You can take that as a personal credo, or you can take it as a political program. To paraphrase an old slogan, every new world is buried in the shell of the old. ◆

Jesse Walker (jwalker@reason.com) is REASON's *associate editor.*

The Dream Is Gone

By Michael W. Lynch

By the Color of Our Skin: The Illusion of Integration and the Reality of Race, by Leonard Steinhorn and Barbara Diggs-Brown, New York: Dutton, 299 pages, $23.95

Hollywood's executives found themselves scrambling last summer—scrambling to find some blacks. The networks' fall 1999 lineup was as white as the roster of a professional hockey team. The National Association for the Advancement of Colored People declared itself outraged and threatened to sue. Ultimately, the show business powers-that-be managed to write a few minority roles into their otherwise white-centered shows. One can be sure that TV tokenism won't soon be neglected again.

But this is a step in the wrong direction, if one accepts the argument of *By the Color of Our Skin: The Illusion of Integration and the Reality of Race*, a compelling book by two American University communications professors. In fact, this book suggests the original network lineup revealed the real America: a society with virtually no black-white integration.

Leonard Steinhorn (who is white) and Barbara Diggs-Brown (who is black) argue that the fantasy of representational diversity hinders actual racial progress, which they define as black and white integration. "What television has done is to give *white* Americans the sensation of having meaningful, repeated contact with blacks with-

out actually having it," write Steinhorn and Diggs-Brown. "We call this phenomenon *virtual integration*, and it is the primary reason why the integration illusion—the belief that we are moving toward a color-blind nation—has such a powerful influence on race relations in America today."

The authors are "believers in true [black-white] integration"; they just don't think it's possible. In a country of racial optimists and pessimists, Steinhorn and Diggs-Brown cast themselves as racial realists. And their realism leaves them with a "choice of telling a truth we did not want to tell or of perpetuating a fiction that we wanted to believe." They tell the truth, as they see it: America lives an "integration illusion," which they define as "the public acclaim for the progress we have made, the importance of integration symbolism, the overt demonstrations of racial harmony, the rejection of blatant bigotry, the abstract support to neighborhood and school integration—all coupled with a continuing resistance to living, learning, playing and praying together."

And the authors don't exempt themselves from this analysis. In a curious disclosure, they admit that neither of them lives an integrated life, as they define it. Steinhorn, like most other D.C. area whites, lives in a predominantly white suburb. Diggs-Brown lives "a predominantly black personal life." Even though they worked closely on the book for two years, their families never once socialized together. This distance becomes a model for their book: If they can't integrate, who else can be expected to cross the black-white color line? Perhaps this is why they are hesitant to assign blame. "But let's not be too hard on ourselves," Steinhorn and Diggs-Brown write in the book's final chapter, "for it is wrong to say that we have failed when our goal was never realistic in the first place."

By the Color of Our Skin is not a policy book. It aims to describe America's black-white condition, not to point the way to racial harmony. Steinhorn and Diggs-Brown support affirmative action; they could hardly avoid discussing the most contentious racial public policy issue, but they don't dwell on it. Rather, they dwell on academic studies, their personal experiences, interviews with others concerned about racial issues, and coverage by major media outlets: *The Washington Post, The New York Times,* the *Los Angeles Times,* and the newsweeklies. In two chapters, they use these sources to describe our condition: Blacks and whites live, learn, work, pray, play, and entertain separately. They spend five more chapters analyzing why this is the case. They conclude by looking at integration success stories and offering their vision for a more racially honest America.

Steinhorn and Diggs-Brown aren't shy about making strong claims, chief among them that America is no more integrated than "the day when a quarter of a million Americans descended on Washington for the great civil rights march of 1963." Shocking but true—if one accepts their terms. Their key point is to make a distinction between desegregation and integration. Desegregation, they say, "means the elimination of discriminatory laws and barriers." Integration, by contrast, is "governed by behavior and choice." It occurs only when individuals on both sides of the color line choose to cross it to live, to socialize, and to love, in addition to maintaining the pro forma workplace relations with which we are all familiar. "America is desegregating," the authors write. "But we are simply not integrating."

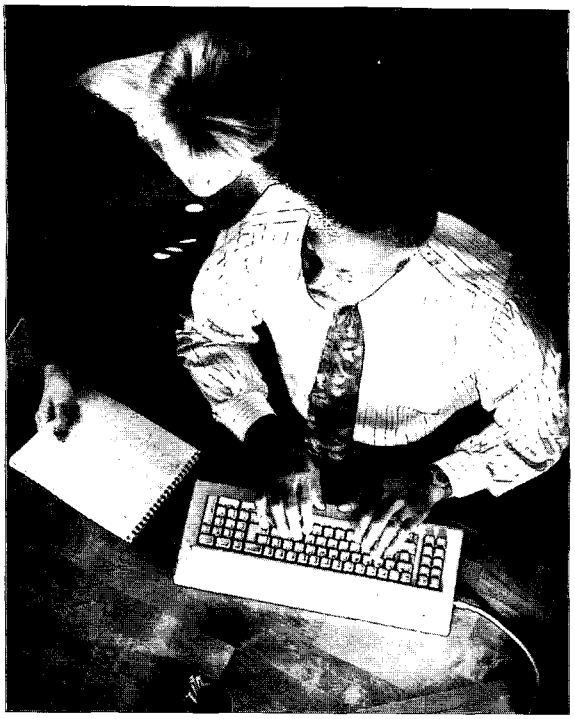
There are tricky definitional issues here, even after we recognize the distinction they propose. What exactly does it mean to live an integrated life? That one has black (or white) neighbors? That one invites one's black (or white) neighbors over twice a year for a barbecue? For those whose lives are less residentially based, is it a matter of peer or hobby groups?

Most would consider Washington, D.C., residentially segregated, and large sections of its northwest quadrant are predominantly white. Yet my white friends there just purchased a house next to a black family. They entertain frequently, and often my wife is not the only black at the party. Optimistic scholars of American race relations, such as Stephan and Abigail Thernstrom, authors of the 1997 book *America in Black and White: One Nation, Indivisible,* would point to my friends as examples of America's racial progress. They cite statistics that show residential segregation is receding: 83 percent of blacks and 61 percent of whites have at least one member of the other race in their neighborhood, a huge increase from 30 years ago.

Another white friend of mine owns a townhouse out in Virginia. When I ask him if he lives an integrated life, he replies with a question: What do you mean? His neighborhood is integrated by some standards: More than a handful of black families live on his block. He doesn't know them, but he doesn't know many of his white neighbors either. Perhaps his wife, who is at home with their 1-year-old daughter, does, he muses. Day in and day out, he mostly interacts with whites, but he figures that's a function of his interests and class, rather than any racial malice, a comment I heard from every white person I interviewed. The blacks at his D.C. office are concentrated in support jobs, especially the cafeteria, he says, and there just aren't a lot of black Straussian political theorists.

It's not clear that Steinhorn and Diggs-Brown would, like the Thernstroms, consider my friends' lives integrated. They give integration an almost impossibly strict definition. It's not enough for whites to interact with blacks with whom they share space, whether residential, professional, or personal interest. Whites must actively seek out and embrace blacks. "In a racially integrated America," they write, "blacks and whites would choose to live side by side, socialize with ease, see each other as peers, recommend each other for jobs, harbor little mutual distrust, respect each other's outlook, and appreciate each other's contributions to American culture." My home is clearly integrated: We've got a one-to-one ratio of black to white. But I'm not sure I live an integrated life by Steinhorn and Diggs-Brown's standard, since I probably don't have the proper appreciation of outlook and culture.

This appreciation is not a minor issue. Based on American art, sports, music, film, and television, a person from another planet might estimate this country's black population at 40 percent, as Americans have in public opinion polls. American culture doesn't exist apart from black American culture. Some of this integration



Disintegrated Circuits: Though white and black Americans can live wherever they choose, whites typically live among whites, and blacks among blacks.

may be virtual—corporate ads and university brochures, for example. But other aspects, such as the black influence on music, visual art, youth culture, and high-profile athletics, are undeniably real. Yet due to centuries of separation, black Americans have developed a culture that is distinct from, even as it exerts a disproportionate influence on, America's white or mainstream culture. It's difficult to articulate the differences without relying on stereotypes, but they do exist. And it is in large part white America's unwillingness to accept and incorporate black America on its own terms that has led to disaffection among black Americans.

This alienation constitutes the essence of a moving 1996 book by journalist Sam Fulwood III, *Waking From the Dream: My Life in the Black Middle Class.* Fulwood was in the first generation of Southern blacks to have access to white institutions. He attended a formerly all-white high school and the University of North Carolina. He excelled at his chosen craft—journalism—but found he could never transcend his race and fully be accepted into American life. So he quit trying, as have many of his friends. "Deep inside they are unhappy, knowing they are not accepted as equals by their white colleagues or acquaintances," writes Fulwood, describing his middle-class black neighbors who don't want any whites to move into their piece of suburbia. Later Fulwood repeats the point: "The refusal of the larger society to accept us, *on our own terms*, combined with our unwillingness to return to the ghetto, is likely to result in even more isolation, frustration and desperation" (emphasis added).

Steinhorn and Diggs-Brown don't deny that blacks have made impressive educational and economic progress since 1963. Or that America has become stridently anti-racist. Nor would Fulwood. But they all claim we are kidding ourselves if we think we are making any progress toward behavioral integration. Though white and black Americans can live wherever they choose, and though there are some integrated neighborhoods, whites typically live among whites, and blacks among blacks. Even Atlanta, which prides itself on racial harmony, is residentially segregated. Again, this is a result of choice, not legal compulsion. "People can live anywhere they want in Atlanta," the city's then-Mayor Andrew Young said in the mid-1980s. "It's not a segregated town. It's just not an integrated town. There's a difference."

Independent sources bolster Steinhorn and Diggs-Brown's claims. America's government schools certainly aren't integrated, at least not the ones most black children attend. Seven in 10 blacks attended schools that were at least 50 percent black in the 1996–97 school year, according to a June 1999 study from The Civil Rights Project at Harvard University. The same study found that nearly four in 10 blacks attended schools at least 90 percent black. The typical white student attended a school that was 81 percent white.

The lack of integration bothers fewer people than one might expect. A recent poll of 18-to-29-year-olds found that half had no problem with blacks and whites living separately, so long as they have equal opportunities. Upper-income blacks like Fulwood are retreating from integrated neighborhoods to upscale black enclaves. "Black colleges are experiencing a renaissance," writes Fulwood. "Black organizations—churches, fraternities, sororities and professional groups—are attracting legions of new members." Even environments that look integrated on paper—high schools and universities, metropolitan statistical areas, and large corporations—are often internally segregated. Steinhorn and Diggs-Brown found a Mississippi high school with one building but two schools, one black and one white, each with its own principal, class presidents, and yearbook. "It may be the most honest public high school in America," they write.

Blacks and whites experience myriad pressures that keep them separate, a fact that becomes clear when you attempt to straddle the race line, talk to people who have, or simply read the newspaper. Blacks who choose to integrate, whether residentially or in institutional settings such as high school and college, often get hit from both sides. In addition to wariness from whites, they face rejection by blacks who see them as selling out. The aversion to whites is so strong that, even in schools where few are present, black students who excel academically are ridiculed for "acting white." This is a serious problem. The problem's source and solution, however, reside entirely in the black community.

Aside from risking black rejection, blacks who choose to integrate must play cultural ambassadors to whites, who are often insensitive to black issues and concerns. If black women dare to date interracially, they may receive random threats of violence from black men who encounter them in public. My wife has suffered verbal assaults on the streets of every city in which we've lived and some where we haven't. If black men date white women, they too can expect such attacks from blacks. There are strong pressures to stay within the group.

Whites, too, face barriers to integration. Given differing cultures, experiences, and histories, it matters on whose terms integration happens. Predominantly black cliques erect insuperable cultural barrier of tastes and behavior that are unintelligible to whites. As the T-shirt says, "It's a Black Thing, You Wouldn't Understand." And, like blacks excommunicated for "acting white," whites who adopt black culture are likely to face resistance at home and in their former cultural community. They're labeled "wannabes" and "wiggers." If whites integrate on white cultural terms — the norm, in my experience—they must cultivate sensitivity to black issues. But there's a taboo against asking too many questions. This taboo is necessary; a black woman with 20 white friends will burn out quickly if she has to explain everything from her hair to Juneteenth to each of them. But it makes developing deep friendships hard.

There remain significant barriers to interracial friendships in the workplace, as Steinhorn and Diggs-Brown's lack of socializing seems to attest. Friendship requires communication, and communication requires both trust and grace. These are often in short supply between blacks and whites. Whites, who know what happens to people accused of racism, feel it's a good idea to keep it professional with blacks. Blacks perhaps perceive this distance as coldness. Friendships that otherwise might develop don't. Many people don't like to socialize with co-workers anyway, and so integration just doesn't happen.

Steinhorn and Diggs-Brown provide an excellent example of what can happen in the workplace to whites who aren't sensitive to black concerns—that is, those who treat blacks in a color-blind fashion. They tell the story of a white Maryland educator who was chairing a court-appointed panel on school desegregation. Upon entering a meeting with the NAACP, he introduced his influential black colleague as his "800-pound gorilla." A mistake for sure, but only because he *didn't* consider race, not because he did. After all, introducing a white person as an 800-pound gorilla is a compliment of sorts, an acknowledgment of his status or power. The man apologized, but that wasn't enough. The NAACP called for his termination. And when a white school board member came to his defense, she too was asked to resign. People learn from incidents like this.

Some learn their lessons early. Steinhorn and Diggs-Brown describe a 1997 brouhaha at American University. It was election time, and the school paper had failed to endorse the president of the Black Student Alliance for vice president of the student government. It ran an op-ed piece by her criticizing the paper's position and made the mistake of running an unrelated editorial cartoon of two baboons complaining about animal testing under it. This prompted black students to protest, American University's president to declare the decision to run the cartoon "morally repugnant," and the newspaper editors to publicly apologize, while privately insisting that there was no racial content to the decision to run the cartoon.

By now we all know the drill: Black expressions of outrage trigger concessions from contrite and cowering whites. Whites are no different from other people: They prefer to be neither cowering nor contrite. Since they are never sure what will trigger outrage, it's just easier to avoid unscripted, and hence unsafe, interactions with unknown blacks. Write Steinhorn and Diggs-Brown: "Whites see so many racial double standards that they would prefer not to deal with them at all. Most whites choose their words carefully and are always amiable and polite when around blacks. But self-conscious civility is an effort, and it's just plain easier to avoid blacks altogether." Steinhorn and Diggs-Brown conclude that "black and white Americans [have learned to] accommodate one another in the public spheres that require interaction, but remain distant in the private spheres that involve choice or any form of intimacy."

Thus we arrive at a paradox. In a country that celebrates color blindness as an ideal, the only spaces in which Americans can live without thought to color—be they neighborhoods, offices, or social clubs—are nonintegrated. This is true for both blacks and whites.

What's the problem, if this is all a product of choice? Integration may have been the stated goal of the civil rights movement, but isn't desegregation the most that public policy can hope to achieve in a free society? And it's not as if segregation is being pushed on blacks. Journalist Tamar Jacoby, author of the 1998 book *Someone Else's House: America's Unfinished Struggle for Integration*, notes that in 1962 "a black man defending integration risked looking like a chump." Integration may have been the rhetoric used to woo liberal whites, but in Northern black neighborhoods, a year before the 1963 March on Washington, the civil rights movement was already about black power.

By the 1990s, even black candidates for statewide office were openly redefining integration. "Integration is not about sitting next to white people or going to the same school," Jacoby quotes Georgia gubernatorial candidate Andrew Young as saying in 1990. "It's about having equal access to the resources." In a recent *New York Times* op-ed piece, Harvard sociologist Orlando Patterson observed: "Even though the majority of African-Americans still favor ethnic integration, educated and middle-class African-Americans have largely abandoned it in favor of promoting ethnic pride and developing their own communities. There has been a return to the old Southern doctrine of separate and equal, as long as it is truly equal, at least for the middle classes."

The problem, as I see it, is that access to the public spheres, specifically the commercial sphere, often depends on being comfortable with the norms of white society. If a significant number of black children aren't comfortable with them, it isn't by choice: It's because they were isolated from those norms. It's one thing for members of the black elite and upper middle class to choose to retire to predominantly black neighborhoods after a lucrative day's work in white America. It's quite another for people to be unable to enter that commercial sphere because they spent their formative years in a community that didn't, or couldn't, prepare them for it. Writes Patterson, "The greatest problem now facing African-Americans is their isolation from the tacit norms of the dominant culture, and this is true of all classes."

Another way to get at this issue is to ask who bears the cost of America's lack of integration. I submit that it's not white

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Americans. Consider the school integration statistics: The average white student attends a school that is 81 percent white. This is another way of saying that the average white student attends a school that closely approximates America. Most have a friend or two, certainly friendly acquaintances, who are black. In 1994, the Thernstroms note, 73 percent of whites reported that they had a good friend who was black. They probably feel as if they already live an integrated life. They define integration as the Thernstroms do, as interaction, and they have interaction with blacks.

As Steinhorn and Diggs-Brown document, whites are satisfied with the access they have to black America. They can enjoy its intellectuals, athletes, singers, comedians, writers, and artists. While in some abstract sense not knowing more blacks personally might diminish white people's lives, they don't know what they are missing. It certainly doesn't hurt their chances for happiness or success.

Nor is it upper-middle-class black isolationists who bear the cost of nonintegration. Insofar as they choose not to integrate, they presumably benefit from it. Describing a "self-protective buppie cocoon, separate from poor blacks and all whites," Fulwood writes, "It is where I live, reluctantly, but more comfortably than anywhere else I could imagine." Besides, theirs is less a segregated life than a dual life. Residentially segregated buppies seem well-equipped to prepare their children for the same experience, providing them with the skills to operate in the mainstream economy while feeling secure in, and even celebrating, a cultural detachment from it.

But the same is not true for poorer black Americans, the very people in whose name so much radical theorizing occurs. Despite significant economic gains during the last 40 years, only four in 10 blacks considered themselves middle class in 1994 and 1996, a third fewer than whites. Only 50 percent of black households had income more than double the poverty line, compared to 75 percent of whites. For low-income blacks, to be estranged from white culture and norms is to be estranged from America's norms. Seventy-two percent of the population can thrive while being fundamentally estranged from 12 percent of the population. The same cannot be said of the reverse. There's a reason that all minority groups—and groups outside of power, arguably such as women of my grandmother's generation—know and care much more about the majority than the majority knows or cares about them. Such an asymmetry of information is necessary for success, in some cases survival. This may not be fair, but it is a reality.

The cost of America's nonintegration, therefore, is borne by blacks, many of whom didn't choose their isolation. And therein lies the rub: Responsibility for integration, in the view of Steinhorn and Diggs-Brown and other intellectuals, largely rests with whites, whose racism and unwillingness to live among blacks and accept blacks on their cultural terms are the main factors preventing real integration. Yet whites, for the most part, don't see the lack of integration as a problem.

Public displays of racial harmony and mixing, however inaccurate, may represent a standard to which an American audience aspires, perhaps even a model for eventual behavioral integration.

I imagine that a significant proportion of whites—especially young, educated, urban-oriented whites—would prefer, in the abstract, to live more-integrated lives. In an interview, Fulwood says he thinks whites currently want integration more than blacks. But at what cost? Not a very high one. And since crossing the black-white color line can be quite costly for all involved, I share Steinhorn and Diggs-Brown's racial realism, up to a point. Whites simply aren't likely to see the world in Steinhorn and Diggs-Brown's terms and make extraordinary efforts to live integrated lives. In fact, it seems that even Steinhorn and Diggs-Brown aren't likely to do so.

So where are we left? Steinhorn and Diggs-Brown call for a racially honest America where blacks and whites basically coexist, similar to the environment at the bifurcated Mississippi school they describe. They argue that blacks should be separated from the minority coalition and granted special status for affirmative action purposes. In essence, they would have us recognize that blacks are a special case, and return affirmative action to its remedial roots. It's a tepid ending, incidental to the rest of the book.

I'm not quite so pessimistic. The major weakness of Steinhorn and Diggs-Brown's book is their insistence on interpreting everything in the worst possible light. This is probably a function of their one-time idealism and the sources they use. Newspapers report conflict. Racial conflicts, such as school board fights and hate crimes, are much more likely to get ink than signs of racial harmony, such as interracial friendships and marriages. The academic race specialists who carry out the studies on which Steinhorn and Diggs-Brown rely also have an interest in focusing on problems, especially problems that can be plausibly blamed on society at large. (For a lucid treatment of this issue, I recommend Shelby Steele's latest book, *A Dream Deferred: The Second Betrayal of Black Freedom in America.*)

I see America's rhetorical and "virtual" integration, as reflected on TV, as a sign of progress, even while I find the NAACP's threat to force it by lawsuit absurd. Theatrical and other public displays of racial harmony and mixing, however inaccurate in any given situation, may represent standard to which an American audienc aspires, perhaps even a model for eventua behavioral integration. They may even b the reason why I, emerging from a hom that didn't place any independent value or integration, nevertheless find myself livin what I consider an integrated life. I'm partial to John Updike's formulation quoted by Steinhorn and Diggs-Brown "An ideal colorblind society flickers at th forward edge of the sluggishly evolvin one." Perhaps I'm still under an illusion. But I'm living it. I've already made my choice.

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Showtime

Public art as a source of private profit

By Charles Paul Freund

By now, everyone must be bored with the avant garde art establishment and its recurrent trick of trying to revolt people by combining the atelier with the bathroom, the slaughterhouse, or the morgue. It turned that trick yet again in October, when the Brooklyn Museum of New York warned that the art in its notorious "Sensation" exhibit might cause "vomiting" and "confusion," in just the way Hollywood schlockmeisters used to "warn" people that some lousy horror movie could scare them "to death," promising in their ads to pay for the funerals. Of course, the museum didn't mean its lurid warning any more seriously than did the makers of *The Screaming Skull*: It was just another showtime.

The only real difference between Hollywood and the art establishment, at least in cases like "Sensation," is that while movie audiences aren't forced to underwrite theaters that show lousy movies, everyone is taxed to support art museums on the theory that art shows, however cynically produced, are a source of general enlightenment. But the result is that the art world becomes best known for its most cynical (or, at best, its most marginal) work—filled with bowel movements, urine, bloodletting, animal carcasses, etc.—because that is the source of all the shouting over what kind of artwork should be supported by taxes. Under those circumstances, general enlightenment gives way to general contempt. If anyone set out to undermine the power and meaning of creative expression, they could devise no better system than by joining art financially to a republic whose cultural role is otherwise limited to a guarantee of free speech.

The one really noteworthy aspect of "Sensation" was that, this time, the cynicism behind this show bled through its First Amendment posturing. Even the New York art world seemed bored with the exhibit and embarrassed by the controversy. And no wonder: The show's centerpiece, as it emerged from snowballing publicity, was nothing more interesting than a piece of X-rated religious kitsch. If that's the best that enlightened private arts patronage teamed with esteemed public museums has to offer, then it's no surprise that everybody has become stupefied.

True, some people played their roles as they have been established in a long run of similar "shock" performances. Mayor Rudy Guiliani, perhaps sensing political opportunity, thundered righteously over what he called "sick stuff," in particular a work called *The Holy Virgin Mary*. As everybody now knows, that work depicts its subject with the use of elephant shit and little photos of bare human asses clipped from porno magazines. Guiliani moved to withhold the museum's subsidy and even to evict it from its city-owned premises.

Editorialists at *The New York Times* thundered in return about state censorship. The museum sued; the mayor threatened to countersue. Crowds lined up outside the Brooklyn museum, with patrons offering reporters such clichés as, "Art is supposed to be provocative." Meanwhile, Chris Ofili, the manufacturer of *The Holy Virgin Mary*, adopted a tone of hurt surprise—pitiable if sincere—and insisted from his London home that he regarded elephant dung as a substance of great beauty.

But in fact, nobody within the New York art establishment bothered to defend the show. There are scores of museums in New York, and no one associated with any of them had a good word to say about an exhibit that was under direct political attack. (About a week into the controversy, many museum directors were finally prodded into signing a pro forma letter protesting the mayor's funding threat.) *New York Times* art critic Michael Kimmelman could find nothing better to say in his review of the show than, "It makes you think." What it made Kimmelman think about was "the extent to which the art world is out of touch."

Art That Bites: Damien Hirst's tiger shark, glass-cased in a formaldehyde solution, was among the "Sensation" offerings. Such art, however, no longer shocks as much as it bores.

There are a lot of reasons for this diffidence. One is that the exhibit originally opened two years ago in London and has since been in Europe. What has landed in Brooklyn—which might as well be To-

peka as far as the Manhattan art crowd is concerned—is actually a smaller road-show version of the original; there's nothing to be gained by spending New York's cultural capital on somebody else's leftovers. A second reason is that, by this time, most of the artists in the exhibit have had New York shows of their own, and the only thing new about the material is the mayor's reaction to it. A third reason may be that the most controversial work seems to fit comfortably within Attorney General Janet Reno's definition of "hate speech." But the most interesting reason may be that even the culturati regard the show with contempt.

Here is what the director of the Metropolitan Museum of Art, Philippe de Montebello, wrote about "Sensation" in a *Times* op-ed piece a few days after the show opened: "Mayor Rudolph Guiliani, for one, has shown acute critical acumen....I do regret though, that the Mayor has given undue notoriety to artists who deserve to remain obscure or be forgotten. The suffrage of public opinion will ultimately have its say, but not before too many unwary visitors come to pay obeisance to art they feel they should try to understand and, heaven forbid, even like."

That is an astounding public torpedoing not only of a single exhibit in hapless Brooklyn, but of a whole school of art that has otherwise been flourishing for a decade. But the Met's director was probably aiming at neither the exhibit nor the museum, but rather at the person responsible for both "Sensation" and the school of art it displays. That person is neither an artist, nor a critic: He is a collector, and it is his apparent machinations in the art world that are at the heart of "Sensation" and its cynicism. He is Charles Saatchi, and he has become the most important art patron in the world.

"Sensation" creator and art collector Charles Saatchi is now behind a new movement, this one called, believe it or not, "The New Neurotic Realism."

The 100 or so artifacts in the "Sensation" show have almost nothing in common, except that all the artists are British, and all the works belong to Saatchi, an advertising magnate whose London agency was instrumental in bringing Margaret Thatcher to power in 1979 with the clever campaign slogan, "Labour Isn't Working." Charles Saatchi himself seems to have spent a minimum amount of time at the office during his ad career, devoting his time instead to his personal interests. One of his hobbies was to amass a huge collection of art.

In 1988, Saatchi turned up at an abandoned London warehouse to see an exhibit of art titled "Freeze," staged by art students from Goldsmiths College. What caught his eye was the work of a student named Damien Hirst. Artist Hirst has since become quite well-known for, among other things, neatly slicing up animal carcasses and displaying them in tanks of formaldehyde. A sliced-up shark of his is on display in Brooklyn. *The New York Times* recently explained that Hirst is "a clever artist" because his works "allude intriguingly to Minimalist sculpture and other 60s art."

Of course, even if one accepts the validity of the allusion, the matter of how intriguing it is remains to be demonstrated. Even so, his work has intrigued enough art buyers in the last decade that he has become rich as well as notorious. Indeed, Hirst recently opened a restaurant in London's ultra-trendy Notting Hill neighborhood. It's called Pharmacy, and it's a study in the mimetic; you can sit on stools there that are shaped like giant Tylenol tablets.

As for Saatchi, he was sufficiently inspired by the "Freeze" exhibit to start scouring London for similarly outré creations by unknowns and buying them in large quantities. These he exhibited in his own London art gallery, generating considerable controversy and in the process successfully establishing a "school" that is known as Young British Art, or "YBA," a movement defined entirely by his own purchases, exhibits, and sales. There is no question but that Saatchi's activities as patron and gallery owner have been a boon not only to the artists he has handled but to the whole of the London art scene. It is largely due to his efforts as a promoter that London is today regarded as a hot art city.

Not everyone is happy with Saatchi's influence. Here, for example, is the view of New York art commentator Paul Hasegawa-Overacker on the Saatchi "recipe" for manipulating taste, as posted online at the Artnet site: "1) massive amounts of capital, 2) clever manipulation of the media taste for outrage, 3) packaging nationalism as a brand name (e.g., Young British Artists), 4) a moribund but aristocratic economy that funnels talent into anachronistic endeavors, that is, art-making..., and 5) an esthetic of decadence unique to a fading empire that also happens to suit the taste of an enervated avant-garde." Hasegawa-Overacker admits self-deprecatingly that his observations are at least in part "protectionist."

The "Sensation" exhibit of Saatchi's own collection, as originally staged in 1997 at London's Royal Academy, was the hugely controversial apotheosis of Saatchi's involvement with Young British Art. That involvement has already passed into contemporary art history: There are books about the exhibit, books about the movement, even an immense 608-page tome called *Young British Art: The Saatchi Decade*, published by Abrams, the leading art publisher in the United States. It lists at $125, and, as one weary British reviewer described it, it is heavy enough to break any coffee table on which it is placed.

But "the Saatchi decade" appears to be over, at least as far as Young British Art is concerned. The collector and his gallery are now behind a new movement, this one called, believe it or not, "The New Neurotic Realism." Its artists appear to celebrate what they regard as their own amateurism and oppose their work to the YBAs, who suddenly emerge as London's stodgy establishment. Saatchi, having created one movement with his savvy sense of marketing, appears to be creating another movement at the expense of the first.

He may also be about to sell off his Young British Art collection. A number of observers in New York have noted that the expenses of the Brooklyn exhibit are being defrayed by, among other sources, Christie's, the auction house. And many people suspect that, when the exhibit closes in January, Christie's will sell the

pieces to the highest bidders. Because of all the publicity, the bids may well be higher than they otherwise would have been.

If all that happens, Saatchi and Christie's will have succeeded in using a publicly supported art museum to raise the value of objects that offend many of the people who are taxed to support that museum. Not only would the public's taxes have been used to underwrite an insult to its sensibilities, but its sensibilities would have been exploited to enrich those responsible for the affront. When public art museums were established to raise the moral level of the populace by exposing it to art, "Sensation" is probably not the sort of arrangement that was anticipated.

And yet "Sensation" is in most ways a typical exhibit. Wealthy art collectors have made financially beneficial arrangements with public galleries for generations, frequently at the expense of the taxpaying public. The rationalization behind such collaboration is that the public ultimately benefits, because art is so good for it. Yet the public has no say in what is being collected, reviewed, appraised, deducted from taxes, or exhibited. That is a matter left to the art world to hash out and pronounce upon; it is the public's role to wait in the museum line and otherwise to behave. The people with the real power in the art world are usually collector-patrons and dealers. Saatchi has enjoyed so much success because he is rich enough to be both.

How long has serious art revolved around collectors and dealers? Exactly as long as the vision of the individual artist has been the center of cult-like deference, and it is a central if ignored question of modern culture which of these phenomena is supporting the other. Most people would date the triumph of individual artistic vision with the rise of the Impressionists in 19th-century Paris. The history of the manipulative dealer begins at the same time, with their dealer, Paul Durand-Ruel.

The best thumbnail evaluation of Durand-Ruel was probably written by his contemporary Emile Zola, who included the dealer—and many Parisian painters—under pseudonyms in his mostly forgotten novel about the Paris art scene, *The Masterpiece* (1886). Paul Cezanne, for one, thought he recognized himself in the book, and though he had been a close friend of Zola's, Cezanne never spoke to the novelist again after the book's appearance. Had Durand-Ruel been Zola's friend, he wouldn't have spoken to him anymore, either. Here's how he is described: He "was a dealer who for some years had been revolutionizing the picture trade. He was changing the market completely by forcing out of it the collector of taste and dealing only with moneyed clients who knew nothing about art and bought pictures of shares of stock either out of vanity or in the hope that they would appreciate."

Now, Zola used to hire sandwich men to advertise his novels, so it would have been graceless for him to complain about anybody else mixing art and profit. But his argument with Durand-Ruel was less about money than about tastemaking, and its manipulation by speculating art starmakers. The true extent of that power was arguable, and was in any event limited to a very small, if influential, elite group. What really extended the power to manipulate was the spread of public art museums, which long ago assumed the role of validating the taste of the dealers and their investor-collector clients, and which have long been instructing the public at large to pay it aesthetic obeisance.

Of course, by Zola's day, an art market had existed for some time, much to the benefit of artists and art-lovers alike: Markets set art free from what the patronage of state, church, and aristocracy would make it. But the alliance of dealers, collectors, and especially museums reimposes a latter-day control—one of taste—and has the effect of turning attention to the latest plaything of a tiny group of buyers and investors. These are more than happy to use the state's museums and tax laws to advance their interests, while the museums in their turn are more than happy to display and accumulate their well-publicized acquisitions.

The rest of us are supposed to wait quietly on our side of the velvet ropes, keep our voices down, and hope that we aren't approaching the creations of Chris Ofili on too warm or humid a day.

Charles Paul Freund (cpf@reason.com) is a REASON *senior editor.*

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The Ethicist Who Isn't

What's wrong with *The New York Times Magazine*'s answer to Ann Landers.

By Jacob T. Levy

In February, *The New York Times Magazine* created a new section, "The Way We Live Now," to deal with "day-to-day living—work, family, sour milk in the fridge—all that stuff that occupies most of our actual time." One of the new features was an advice column called "The Ethicist." Randy Cohen, an essayist best known until then for writing *Slate*'s clever "News Quiz," would help the magazine's readers with the tricky moral problems of their family, social, and professional lives. Or at least, that was the idea.

The column doesn't seem to have made a great impression. The published letters to the editor have been mostly negative, and they aren't even of the "I disagree, but you really made me think" variety that a column about ethics ought to attract. Cohen just seems to rub these readers the wrong way.

His responses to questions about family life and social life are usually inoffensive, though they're not very different from the answers Ann Landers might give. Not, mind you, that there's anything wrong with coming up with the same answers as Landers. It's just that when *The New York Times Magazine* created an *ethics* feature rather than a generic advice column, the editors presumably wanted more sophistication and rigor than most advice columnists provide. Unless they just wanted their readers to feel more highbrow than they would reading Dear Abby.

But there is something chronically strange about Cohen's items on the ethics of the workplace and commercial life. He has told readers that giving to or raising funds for charity isn't worthwhile, because the more charitable activity there is, the more easily the state abandons public projects. He has told a supervisor that it's unethical to fire or report a temp worker whose shoddy performance makes everyone look bad.

He has even gone out of his way to take swipes at the country's political economy when by his own admission it is irrelevant to the advice he gives, as in this reply to a question about not reporting income to the Internal Revenue Service: "When New York City offers corporations multi-million-dollar tax breaks to do nothing and the Federal tax code is the least progressive it has been in decades (making it ever more possible for a housekeeper and Bill Gates to pay the same rate), it would be churlish to chide someone so hard-working and modestly paid. However, while working off the books might be justified ethically, working on the books is actually a better policy financially, thanks to the Earned Income Credit and the Child Tax Credit."

Sometimes the advice he offers is merely wrong, as when he defends providing a deceptively favorable recommendation for a fired apartment building superintendent: "Were he applying to pilot a plane while performing heart surgery for the United Nations, you'd have to be more scrupulous, but in this job, as in most, the consequences of your hyperbole are easily borne. If Freddy is inept, the worst that happens is someone's shower breaks—a minor problem easily remedied by whoever replaces Freddy when he gets fired." Actually, sometimes when a shower is broken the bather suffers burns. (This was the situation in the trial for which New York Mayor Rudy Guiliani recently served as jury foreman.) The consequences of a heating system breaking down in the middle of winter, or of the power going out in the heat of the summer, can also be much more serious than Cohen allows.

But as I said, in that case Cohen was merely wrong. More often, what he has to say defeats the purpose of having an ethics column at all.

A code of ethics does not propose a foundation for morality; nor does it offer a comprehensive theory of social justice. Ethics is the moral philosophy of practice, of decisions faced in quotidian and—especially—professional life.

So it made sense to include an ethics column in "The Way We Live Now." One of the things people do in their day-to-day lives is make morally important decisions, and often it's hard to identify the right choice. It's difficult even in those professions, such as law, that have

THE ETHICIST BY RANDY COHEN

A Line to Cross

After eight weeks on strike, after most of my union colleagues returned to work under threat of being replaced, I, too, crossed my own union's picket line. I'm still struggling with my actions. I was required to join the union (it was a closed shop). I came to view the leadership as incompetent and just plain wrong. When I tried to dissent, I was hooted down. In the meantime, I was in real danger of losing a job I held dear. The 'moral' position seemed to be to stick with the union; but is it not moral to decide for oneself when one disagrees with one's representatives? —R.H. Detroit

A well-run union is a democratic union, one that gives its members a chance to be heard, to dissent and to vote on policy, particularly on something as serious as a strike. Sticking with the union then is a matter not only of abstract morality but also of self-interest.

And while, as you say, one must sometimes dissent from a democratic decision, you may do so

so is America; so is every nation. And so as long as you reap the rewards of past or present collective effort, you can not cavalierly ignore the decisions of representative government, even when its leaders are, as you say, imperfect.

When most of the union's members have returned to work, however, the strike has failed, and you should

specialized and explicitly codified rules of ethics. And for people who aren't in such professions, guidance is often hard to come by.

The word "unethical" refers to only some of the acts that are "immoral" or "wrong," and ethics is not always the most important part of morality. Indeed, in situations of deep injustice, ethics can become morally insignificant. To debate the fine points of legal ethics in a Soviet show trial, or whether employees can swipe office supplies from SS headquarters, is to engage in triviality—and, arguably, incoherent triviality, since the limited domain of ethics is justified in terms of larger moral purposes.

Cohen alluded to this when he told a convict in Florida who insisted on his own innocence that "if you are caught in a system that is not just slightly dishonest but egregiously unjust, your obligation changes. You need not have testified truthfully at the Salem witch trials or before the Spanish Inquisition, for example; those tribunals were not pursuing truth. To lie in such situations is to commit, at worst, a small wrong to counter a great wrong."

The Salem case is not apposite, since there it was the lies of the accusing witnesses that were the problem: A witness did not usually have to fear that telling the truth would aid the wrong side. But he's right about the Inquisition, and the point applies to the legal systems of modern totalitarian and terror-wielding states as well. The radically unjust is more important than the merely unethical.

This does not make ethics irrelevant or useless. For one thing, some agreement about ethical behavior is usually necessary to let us peaceably disagree about larger questions of morality and justice. Consider a legal proceeding of great moral importance—say, a constitutional case raising significant questions of justice. The two parties will no doubt disagree on those questions. But they have agreed to a process of adjudication that has ethical and procedural rules. They do not, or should not, consider themselves at liberty to (for example) commit perjury or bribe judges just because ethics seems somehow smaller and less important than justice. If they did, and if everyone in a similar situation did likewise, there couldn't be any legal resolution of such moral disputes. The existence of such a system has importance in its own right, even though it may sometimes reach what we consider the wrong outcome.

On a more mundane level, we typically need to know that the people with whom we do business will behave ethically even though we do not know their deeper views about morality. Sacrificing ethics to morality and justice entirely would mean that we would have to know someone's entire set of moral commitments before deciding whether he was likely to cheat us. A common sense of ethics is part of what allows us to share a society with those with whom we don't share a complete moral vision.

Of course, in situations of really radical injustice, all bets are off and ethics does become irrelevant. At that point an ethicist is a silly thing to be. What's really strange about Cohen is that—at least as far as commerce is concerned—he seems to think that we're in a situation of radical injustice, yet he still holds himself out as providing help for people who face difficult ethical decisions.

If Randy Cohen were right about the radical injustice of American society, there would be no point in being an ethicist—and no point in publishing a column about the moral decisions of "day-to-day living."

For example: In response to the question about how to handle a poorly performing temp, Cohen declared, "if anyone's acting unethically here, it's your boss; it is ignoble to force people into soul-deadening, pointless, poorly paid jobs....Organizing work into tedious, repetitive tasks, while profitable for the few, makes life miserable for the many; some political economists have called it a crime against humanity." In other words, as long as we have a division of labor, ethics is inapplicable to decisions we face about who does

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Free Distribution by Mail (Samples, complimentary, and other free)		
Outside-county as stated on form 3541	1,749	1,775
In-county as stated on form 3541	0	0
Other classes mailed through USPS	0	0
Free Distribution Outside the Mail (Carriers or other means)	0	0
Total Free Distribution	1,749	1,775
Total Distribution	58,168	59,438
Copies Not Distributed	7,364	7,068
Total	65,530	66,506
Percent Paid And/Or Requested Circulation	97%	97%

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Robert W. Poole Jr., Publisher

what job. In the face of "a crime against humanity," how could there be anything wrong with submitting fraudulent resumés, evaluations, or timecards?

So Cohen frequently fails to provide the advice that his correspondents are looking for. He shrugs his shoulders and says that, until we live in a more egalitarian society, our individual decisions just aren't that morally significant. In his August 1 column, he wrote that "the goals determined by individual moral choice can sometimes be achieved only by acting in concert with others; the dictates of ethics are sometimes best expressed as politics." This is a recurring theme: His correspondents are damned if they do and damned if they don't, so the only serious ethical demand on them is to get out there and vote for politicians who will raise taxes and increase social spending.

That isn't expressing ethics through politics. That's saying that ethics is irrelevant and only politics matters.

In a truly remarkable broadside against charity, Cohen wrote, "When a thief, having stolen your wallet, hands you back carfare, it's tough to mutter much of a thank-you. Similarly, nice as it is that Bill Gates gives money to libraries, a decent country would tax Microsoft at a rate that lets cities buy their own books."

Lots of people—even readers of *The New York Times Magazine*—could believe that corporate income taxes should be raised without thinking that those two cases are remotely similar. The mugger at the time of mugging is your enemy; he's placed himself outside most ethical constraints on how he can be treated. To place Microsoft in the same category is radically wrongheaded. If it weren't, reading and writing about workplace ethics would be a waste of time.

If Cohen were right about the radical injustice of American society, there would be no point in being an ethicist—and no point in publishing a column about the moral decisions of "day-to-day living." By his own lights, he should quit bothering with the irrelevant decisions individuals make and start writing op-eds about collective political decisions.

But many of his readers think that they live in a reasonably just, reasonably decent society. Even though they disagree among themselves about what justice ultimately demands, they don't think that they face such radical injustice as to make ethics irrelevant.

If they're right, then the moral decisions they make in their working lives *do* matter, and they are to be commended for taking those decisions seriously. *The New York Times Magazine* has promised to offer them some helpful insight in making those choices.

If it really wants to do that, it should hire an ethicist who thinks we live in a society where ethics have a role to play.

Jacob T. Levy (jt-levy@uchicago.edu) is an assistant professor of political science at the University of Chicago and the author of The Multiculturalism of Fear, *forthcoming from Oxford University Press.*

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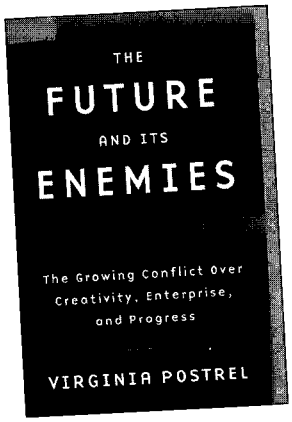
—James K. Glassman, *The Washington Post*



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Station to Station

The real future of Internet radio

By Jesse Walker

If you spend much time on the Web, you've probably stumbled on some radio stations there—if not one of the unusual operations that broadcast only over the Net, then a traditional AM or FM outlet's site, dedicated to simulcasting the station's signal around the globe. You may also have heard that in just a few years the Internet will be wireless, and we will be able to listen to thousands of such stations on cheap, portable receivers.

There are complications to Net radio, though, that most press accounts ignore, notably the medium's traffic problem. There's a finite number of people who can tune to any audio stream at once; if you top that number—which could be as low as 50—no one else will be able to hear you. The techies are working on a solution to this, called multicasting. If and when it's in place, Internet broadcasting will be ready to bloom. Until then, though, it will be too bottlenecked to be competitive.

Once multicasting *is* ready, the Web won't be just a different way to deliver radio shows. Netcasting will converge with at least two other technologies, creating something very different from traditional radio. One of those technologies is the MP3 file, and all the other means of digitally storing music and transferring it over the Net. The second is the sophisticated software that radio stations use to plan their playlists.

It's impossible to predict all the ways this new, hybrid medium will evolve. But by allowing listeners to invent their own personalized radio formats, it's sure to undermine—perhaps fatally—the consultant class that currently decides what gets played on the radio.

Very few radio stations let their disc jockeys choose which songs they'll play; jocks today are paid for their voices, not their musical taste. It wasn't always thus. In the '40s and '50s, the first wave of great R&B and rock 'n' roll DJs didn't just pick their own records; they made radio an improvisatory art form, putting similar songs together, fiddling with the levers and dials in front of them, spinning yarns, making up rhymes, interacting with the music as it played.

This was counterbalanced, in the late '50s, by the rise of Top 40 and the earliest, crudest forms of audience research. Compared with modern pop radio, early Top 40 was spontaneous and far from formulaic. Nonetheless, the transfer of power from jocks to program directors sparked some resistance, and in 1959 several DJs formed the National Disc Jockey Association to advance their interests and protect their privileges.

By the time the group held its first formal convention a year later, however, it was distracted by the first great uproar over payola—that is, record companies bribing jocks to play certain songs.

By allowing listeners to invent their own personalized radio formats, Internet radio is sure to undermine—perhaps fatally—the consultant class that currently decides what gets played on the radio.

In that climate, the new DJ association devoted its energies to defending the profession's image, not extending its power. And within the stations, the threat of federal penalties was yet another excuse to revoke the jocks' right to pick their own records.

DJ freedom returned to vogue in the late '60s, as the first "freeform" and "underground" stations appeared on the FM band—staffed, in part, by refugees from the payola scandals. But as the '70s progressed, audience research made a comeback and freeform declined. Today, only a handful of commercial stations have open formats.

The consultants who killed freeform offered a lot of arguments for their approach. The most reasonable was that an audience clearly existed for more narrowly formatted radio, and that it made sense to exploit the new research techniques to find out what those listeners wanted to hear. But if freeform stations risked alienating audiences by tossing in records only a small coterie would enjoy, the formulaic, consultant-driven stations that replaced them overcompensated. Commercial radio today is less concerned with finding music that will draw listeners in than with eliminating music that might drive listeners out. The result is numbing repetition.

One might expect entrepreneurs to take advantage of the situation, by starting new stations willing to take the risks the established outlets won't. In some cases, that might mean a completely freeform approach: Some of us *like* being surprised by strange sounds we've never heard before.

In other cases, it might simply mean letting DJs examine the research themselves, combine it with their own knowledge of music, and choose the records they play without straying from their station's personality. This was the approach favored by Los Angeles' KMET in the late '70s, after it abandoned full-fledged freeform for a mainstream but still open-ended Real Rock Radio format. It evidently worked, since KMET quickly became the city's top-ranked station.

But under the current regulatory regime, the broadcast spectrum is artificially

scarce. There's little room for new stations, and the price of the existing licenses is ridiculously high.

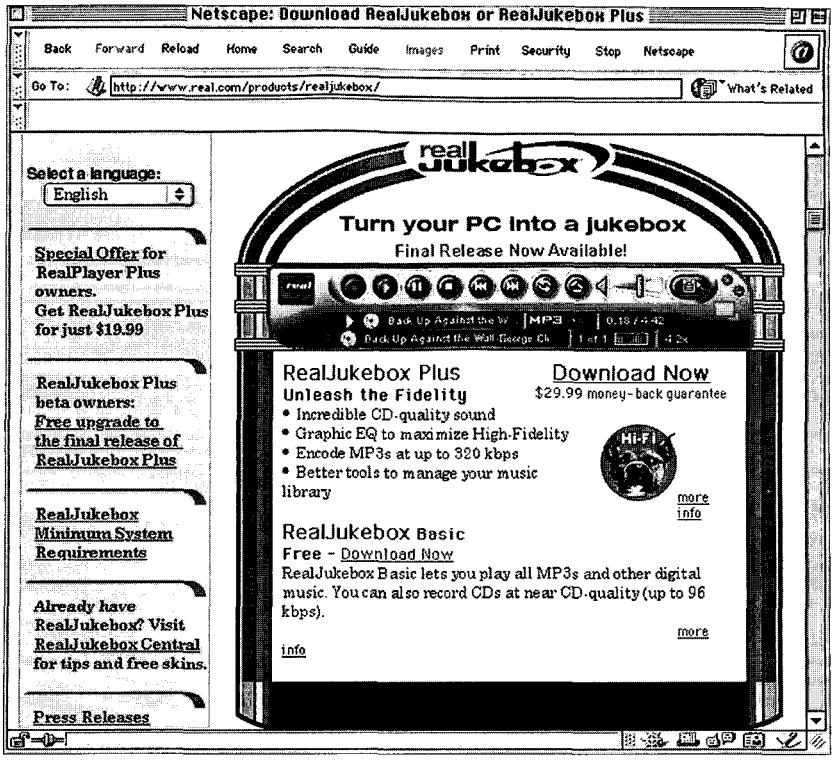
So what does this have to do with the Internet?

Increasingly, program directors are using computer programs to choose the records their stations will play. The most popular such program is called Selector. Once everything in the music library has been entered—not a terribly onerous task, since the typical station has a library of only 500 to 1,000 songs, the vast majority of which are rarely played—the director can give Selector a series of instructions and let the program produce a playlist. Those parameters might be broad genre restrictions ("no rap"), general patterns ("two upbeat songs, followed by one ballad, then repeat"), or more narrow rules ("no more than three songs with female vocalists per hour"). Selector then chooses which songs will be played, and in what order, for the next 24 hours, seven days, or however far a horizon the program director requests.

Invented in 1979, Selector has produced a series of offspring in the ensuing decade. One is SelectorReach, which combines Selector's data with info from the local Arbitron ratings. ("Filters include age, gender, ethnicity and preference," declares the company Web site, "all of which can be selected individually. For example, you can see black women age 25–34.") Another is Master Control NT, which doesn't just choose which songs to play: It actually plays them, along with all the appropriate ads, promos, and prerecorded DJ bits. Welcome to the completely automated radio station.

Think about this. For decades, each radio station has been trying to figure out the formula that will generate the perfect series of songs for its audience. Now some bright computer programmers have created a tool that will turn its preferences into a playlist. But what happens if its *listeners* have access to that same program—and to a much larger library of music on the World Wide Web? What if a Web site let listeners select their own parameters and then followed them to the letter, with no commercial interruptions and no DJ schtick?

Some users might choose a familiar generic format, such as those standby oxymorons, "young country" and "classic rock." Some might combine a couple of formats ("play young country *and* classic rock"). Some might get ridiculously specific ("I like old-school hip hop, mid-tempo ska, country music from before 1970, and Miles Davis' 1959 album *Kind of Blue*"). It would be a relatively simple matter for the site to track which songs are being played and to pay the appropriate parties a licensing fee, perhaps covered by user subscriptions and perhaps by some other means.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Radio Noise: Programs like RealJukebox are only the most primitive form of customized radio. To compete with this new medium, traditional broadcasters must radically change.

"Some form of that is certainly going to happen," says Tom Zarecki, director of marketing at Radio Computing Services, the company that produces Selector. "It's the same thing as traditional radio programming, but to a more tightened niche than ever before." Already, crude versions of this are beginning to appear. Imagine Radio lets Web surfers create their own stations, with a process that includes checking off as many as 11 musical genres for the station to play. And RealJukebox will shuffle all kinds of digitally stored music: You can load on tracks from your own CDs and you can pull in MP3s from around the Net. The RealJukebox Web site helpfully includes links to hundreds of other sites offering songs for free or for a small fee, many of them far from the musical mainstream.

As the new medium grows, it will continue to evolve. It might, for example, incorporate the technology called collaborative filtering. Such a program would ask you to rate a variety of songs and musicians, and, after accumulating a sufficiently long list and matching it with other people's responses, recommend other songs and musicians you might like. Or, if you prefer, it would just add them to your playlist. (I have experimented with MovieLens, a highly touted Web site that purports to recommend movies on this basis, and in my opinion the program is worthless. Still, the software may yet improve to the point where many consumers would choose to use it. I mention it only as one possible direction the medium could take.)

If Radio Computing Services doesn't offer a music scheduling engine to this market, someone else will: Zarecki estimates that there are about 200 companies

in the radio software business, offering everything from scheduling engines to programs that help talk show hosts screen their calls. The only real barrier will be a legal one: The Digital Millennium Copyright Act of 1998 puts a host of restrictions on Net stations to make it harder for listeners to predict when songs will be played, so they won't copy them without paying for them. It's unclear whether this would restrict a customized radio station—nor, for that matter, why such "piracy" is any different from simply taping songs off the radio. If the incumbent radio and record industries get sufficiently scared, though, a legal fight may ensue.

Customized radio won't mean the death of traditional broadcasting. It will mean changes, though, for the research-driven style that currently dominates radio. As Net access becomes cheaper and portable, it will be harder and harder for old-fashioned stations to draw listeners away from online services, especially as they simultaneously face competition from direct-satellite radio, with its hundreds of channels, and from low-power microbroadcasters (see "Radio Waves," June).

Traditional stations will be able to do one thing, though, that an automated, Web-based system can't. Like the old freeform stations, they can hire skilled knowledgeable hosts who understand how to put disparate songs together in creative sets that no scheduling engine could conceive. A good DJ knows how to introduce listeners to music they haven't heard before, how to put new or eccentric records in a familiar or otherwise enticing context. She might combine this with theater or with interviews. She might invite musicians to perform live in the studio. If she's adventurous, she might make sound collages, mixing different records and other noises together. (This used to be considered ridiculously avant-garde—until someone got the bright idea to put a beat behind it and call it hip hop.)

Traditional stations will be able to do one thing a Web-based system can't. They can hire skilled knowledgeable hosts who understand how to put disparate songs together in sets that no scheduling engine could conceive.

Then program directors could stop playing super-DJ, and take on the larger visionary role of shaping the station's personality, of figuring out the boundaries of what it will play and finding the right staff to play it.

And if the old stations don't do that, surely there are Web-based stations that will.

Associate Editor Jesse Walker (jwalker@reason.com) is writing a book on micro radio.

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Felon Protection

Should employers be forced to hire ex-cons?

By Walter Olson

Imagine Sweeney Todd as your next barber. Or a paroled Unabomber wrapping gifts at your department store. Or Jim Jones of the People's Temple, reincarnated to manage the juice bar at your health club.

Things have not gotten quite that bad yet. But it's still worth taking a look at some recent headlines from Wisconsin that may confirm the emergence of the next "protected class" to be treated with kid gloves in the workplace: violent felons.

The Wisconsin Fair Employment Act makes it unlawful to hold a worker's or applicant's criminal record against him unless you're prepared to show in court that the record is "substantially" related to the employment. The standard example is that you don't have to offer a convicted embezzler a job as your bookkeeper. (That probably rules out Sweeney Todd as a barber, too, for now.) But so long as an ex-con applies for a job less directly related to his rap sheet, an employer in Green Bay or Kenosha is forbidden to give preference to a rival applicant who's never had trouble with the law. Nor will it necessarily get off the hook by citing the gruesomeness or notoriety of the applicant's offense—or the misgivings of co-workers or customers about dealing with him.

Which brings us to the case of Mark Moore, 37, who was convicted seven years ago after an incident in which he threw hot grease from a pan at his girlfriend; he missed, and the grease severely burned a 20-month-old child. After serving jail time for reckless injury and then being released on probation, Moore got a maintenance job—as a boiler room attendant, no less—with the Milwaukee public school system. Where more appropriate for someone who's just done time for injuring a kid? According to school administrators, Moore lied about his criminal record on his job application, and they fired him when they learned about his conviction.

Off he marched to the state's Department of Workforce Development (DWD), which ruled in Moore's favor, saying he had indeed suffered unlawful discrimination. The Labor and Industry Review Commission agreed; the school board has gone to court to challenge its decision, which includes an award of three years' back pay.

Scarcely had the headlines from Moore's case subsided when Gerald Turner's came along. Nicknamed the "Halloween Killer" for his 1973 rape and murder of a 9-year-old girl who disappeared while trick-or-treating in Fond du Lac, Turner had again become a figure of statewide notoriety because of agitation by those who wanted the state to find some excuse to keep him locked up after the completion of his sentence. There was no such lawful excuse, and he was duly released from prison last year. The signs couldn't be said to be propitious: A psychiatrist had warned that he was still dangerous, and the state had unsuccessfully tried to revoke his parole, saying he'd waved a butcher knife at a caseworker at his halfway house.

After a prison sentence for burning a 20-month-old child with hot grease, Mark Moore got a maintenance job with Milwaukee schools. Where more appropriate for someone who's just done time for injuring a kid?

After his release, Turner applied for a job sorting recyclables at Waste Management Inc.'s Madison plant, which was in the habit of hiring released convicts, some with serious robbery and burglary raps. This particular case, however, struck the company as a no-go. Next stop: the DWD, which gave Turner's complaint against Waste Management a green light, finding evidence that its actions constituted unlawful discrimination. That was enough for the company's managers, who agreed to pay him an undisclosed sum to drop his action.

Even before the Moore and Turner came along, cases under the Wisconsin law had raised eyebrows. In 1997 the state's enforcers found probable discrimination in the decision by a Watertown nursing home to withdraw its offer of a job to Melinda Belden on learning of the pending charges of felony child endangerment against her. (Her infant had been rushed to an emergency room, police said, after inhaling fumes from the crack cocaine mom had been smoking.) The state said the employer had not done enough to establish that charges of child endangerment were "substantially related" to a job at a nursing home—helpless old people apparently being quite a different thing, in its view, from helpless young people. (The case was dropped when Belden failed to pursue it.)

You might predict that the workings of this sort of law would raise a strong emotional reaction. And for many in the Wisconsin legal and criminological elite, the law does indeed raise a strong emotiona reaction: They just adore it. The state ba association has sent out letters strenuousl opposing the notion of letting employer take criminal records into account. Proba tion officers and law professors coo abou what a good social policy the state ha adopted, while Jeff Hynes, co-chairman o the plaintiff-oriented Wisconsin Employ ment Lawyers Association, has praised th law as one that "protects the rights of thou sands of Wisconsin workers" and added, of the Halloween Killer affair, that people should not "overreact to this case."

To hear the law professors tell it, it's predictable, maybe even understandable, that released convicts would revert to

crime were there not a law compelling employers to overlook their pasts. "What is society telling them that they have to do?" asked Marquette's Phoebe Williams, quoted in the Milwaukee *Journal Sentinel*. "Go back and do more crime." James E. Jones of the University of Wisconsin echoed that sentiment, saying that if society failed to enact such a law an ex-con "might as well commit another crime and go back to jail."

Numbers were not quoted, yet in principle such assertions should be checkable. Only a few states have thus far joined Wisconsin in passing felon protection laws. Do jailbirds in the rest of the country in fact prove immune to rehabilitation

The Wisconsin state bar association has sent out letters strenuously opposing the notion of letting employers take criminal records into account.

and return inevitably to lives of crime because no one ever offers them a job? It would be surprising if that were so, since labor markets now, as in the past, include substantial blue-collar and service sectors where a willingness to show up and pitch in is the major prerequisite—aside from which, many organizations, large and small, are willing to give a break to ex-cons.

It might well be that laws like Wisconsin's eventually backfire by scaring away established companies from working with parole and probation officials to hire released inmates (which seems to be how Waste Management Inc. became the target of Gerald Turner's unwanted attentions). If you risk legal trouble every time you disagree with a social worker or probation officer on the feasibility of a particular placement, there's nothing to stop you from joining the majority of companies that don't actively fish in this particular pool.

Reports from employers suggest that this sort of problem has begun to crop up for rehabilitation agencies that seek work for the severely disabled. Because of the Americans with Disabilities Act, an employer may buy itself a plateful of head-

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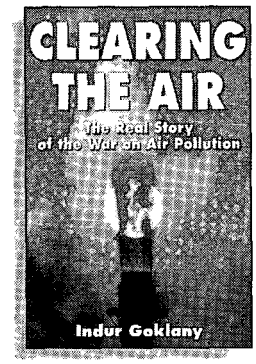

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aches if it purposely hires disabled workers and then disagrees with them or with their sponsors about which tasks they're suited to handle or what kinds of accommodations should be made for them. Even socially conscious companies that have historically prided themselves on disabled or ex-offender recruitment may at some point decide that it's easier to tiptoe quietly away from the whole area.

And there are a few other questions. Does it really discourage recidivism to hand newly sprung convicts an engraved invitation to conceal their pasts from employers? (In this as in other areas, if an employer can't consider an issue in making a hiring decision, it's legally dangerous for it to probe for information on that subject in a job interview or on an application.) One respectable school of thought holds that to stay on the straight and narrow it helps to have those around you know what your weakness is, so they can be on the lookout for early signs that you're slipping. And even supposing laws of this sort could somehow be shown to improve success rates in convict rehabilitation, by what right should citizens and organizations that have themselves committed no crime be forced to sacrifice their freedom (and perhaps their security) for the sake of furthering that social project?

Popular Wisconsin opinion on this summer's cases seemed to diverge drastically from the views of the bar association activists. An editorial in the Milwaukee *Journal Sentinel* called the settlement of Turner's case a "travesty," while a letter to the editor described him as a "de facto aristocrat, with special powers, benefits and protections not allotted to mere commoners," entitled to enlist "all the power and authority of [the government] on his side and against us for the rest of his life, specifically because he raped and murdered 9-year-old Lisa Ann French." The retired sheriff who'd served as special investigator in the French murder said he was "damn upset."

If applicants "do not wish to be discriminated against because they have been convicted of theft," a U.S. district judge wrote, "then they should stop stealing."

So intense was public sentiment over the episodes that a few legislators critical of the law actually managed to bring a bill aimed at revising it to the floor of the state assembly. This was a switch: Similar legislation had been bottled up in committee the previous year, amid vigorous opposition from inner-city Milwaukee legislators. "This is foot-in-the-door legislation that can be used to discriminate against certain people," Rep. G. Spencer Coggs (D-Milwaukee) said this time around.

This turned out to be the one case in a thousand where school safety hysteria worked to assist the forces of rationality. Scalding a child, everyone seemed to agree, was a far more heinous offense on Moore's part than if he'd succeeded in hitting and burning his grown-up girlfriend. And Waste Management did its best to conform to the spirit of the times by stressing in its public statements that the recycling job Turner was seeking would give him access to such contents of recycling bins as "weapons, used hypodermic needles, and BB guns," and that more than a dozen Boy Scout troops and school groups had toured the facility in the previous year. (By contrast, it said little about the views of the employees who might not have wanted to work alongside Turner day in and day out, perhaps recognizing that the law had already written off their interests as of no importance.) In the event, the Assembly voted by an 85-to-14 margin to allow schools—though not other sorts of employers—to take felony convictions into account. It remains to be seen whether even that limited step will clear the rest of the legislative process.

Meanwhile, federal law has progressed a long way toward developing its own version of felon protection. For starters, the Americans with Disabilities Act may require employers to ignore some past violent or criminal behavior when it is blamed on mental illness or behavioral disabilities such as alcoholism. More sweepingly, the federal Equal Employment Opportunity Commission (EEOC) holds that for employers to take workers' criminal records into account subjects racial minorities to "disparate impact" (since they are more likely to have such records) and must therefore be justified by "business necessity." As a result, managers nationwide—not just in states like Wisconsin—have for years been advised that they ask job applicants about conviction records only at their peril, and that they should not ask about arrest records at all.

To be sure, the EEOC's attempts to expand the frontiers of criminal protection have not always succeeded in court. In a 1989 case, it lost after having demanded that a trucking company hire felons to handle "high-risk" freight such as computers and pharmaceuticals. The words of U.S. District Judge Jose Gonzalez, throwing out the agency's contentions, could serve as a dry coda to the whole subject: If applicants "do not wish to be discriminated against because they have been convicted of theft," he wrote, "then they should stop stealing." ◆

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Hayek's Heroes

The greatest idea of the 20th century paid off on its biggest day.

By Thomas W. Hazlett

To close out this century, I decided to read a book about what was arguably its most important day: June 6, 1944. Hey, call me a party animal. But you, too, might want to welcome the millennium by checking out 1994's *D-Day: The Climactic Battle of World War II,* by historian Stephen Ambrose.

Even today we think of the *Wehrmacht* as a mighty force. Certainly, its well-trained, well-armed, battle-tested soldiers struck a fearsome pose at Normandy, the most heavily fortified coastline in history. The Allies viewed the Germans as an unforgiving piece of iron.

So doubts ran high as 175,000 Allied troops—Yanks, Brits, Canadians, and Aussies—traversed the English Channel. Could the children of democracy prove themselves warriors? Would they freeze in mortal combat? Adolf Hitler, who slept until noon on D-Day, believed the disciplined defenders of Third Reich would crush the soft soldiers of the liberal West.

Yet Ambrose shows that it was the rigid Nazi war command that fell apart on D-Day. The Allied soldier kept his head while all about him were (all too often) losing theirs. Such resilience proved necessary. The best-laid plans of the Supreme Allied Command were almost immediately rendered moot; the massive landing amounted to a chaotic dumping of troops into a very hostile environment. Allied forces landed out of position, units were a shambles, and radio communications were knocked out.

But Ambrose identifies a crucial difference between the German and Allied fighting men. The Germans were hamstrung by sweeping orders issued from far away. In contrast, the Allies relied on mid-level and junior-grade officers issuing impromptu commands based on facts gleaned firsthand.

There is no more dramatic example of F.A. Hayek's seminal discovery: the importance of dispersed information—"knowledge of time and place." Hayek, who was to win the Nobel Memorial Prize in Economic Science in 1974, published his memorable essay, "The Use of Knowledge in Society," in the *American Economic Review* just the year after D-Day. It explained the motive force driving Adam Smith's "invisible hand" by noting that great efficiencies resulted when millions of dispersed individuals, motivated by market incentives, utilized the information uniquely available to them to make decisions. It's why a decentralized competitive system beats a top-down bureaucracy, even when the planners are "experts."

The bloody beaches of France graphically illustrate the advantages. German soldiers had been commanded to defend every inch of coastline. They were rendered immobile by strict orders to stay put—why trust low-level soldiers to freelance when the High Command had it planned out already? But that strict *Wehrmacht* policy saved Allied troops even in places where they were extremely vulnerable. The ferocious Panzer tank divisions set aside for counter-attack were too precious to trust to field commanders; only Der Führer had the right to deploy those. As the military genius in Berlin snoozed, German positions were overrun. Even then, despite reports from the front, Hitler held back his elite motorized units, convinced the real landing was to come at Pas-de-Calais.

D-Day provides the most dramatic example of F.A. Hayek's seminal discovery: the importance of dispersed information—"knowledge of time and place."

Meanwhile, Allied soldiers dodged mines and intense enemy fire. They were hopelessly ill-equipped—in the chaos of the landing, their best heavy equipment never made it to shore—but they improvised. Mid-level commanders—sometimes a sergeant was the highest-surviving rank—seized the moment, issuing orders and rallying soldiers. Empowered by a flexible command structure, leaders emerged instantly, spontaneously. Fighting units were reconstituted and assault plans redefined on the fly.

Perhaps the classic demonstration was the landing on Utah Beach at 6:30 a.m.—the first wave. Due to unexpectedly strong tides, landing craft deposited units over 1,000 meters from their pre-arranged positions. Heavy machine gun fire pinned down those who managed to survive long enough to reach the beach. Crouching for cover, U.S. infantrymen assembled and spread out their maps. They had no radio contact, and most of their commanders could not be located. What the hell to do? Should they get down the beach to where they were supposed to be, or attack the German artillery directly in front of them?

The ranking officer quickly made a decision: "Let's start the war from here." With that, brave Americans charged Nazi fortifications straight ahead, knocked out guns, scaled the bluff, and circled aroun to capture the ground they had originall been assigned to take.

While no lowly soldier in the *Wehrmacht* had the authority to revamp offici orders, the Allied invasion consisted o little besides ad hoc heroism. Decentral ized information stormed the beaches o June 6, 1944, and irreparably breached th Atlantic Wall by dusk. Pretty good theor for one day's work. Pretty good work fo one day's theory.

Contributing Editor Thomas W. Hazlett (hazlett@primal.ucdavis.edu) is a resident scholar at the American Enterprise Institute and a professor of economics at the University of California at Davis.

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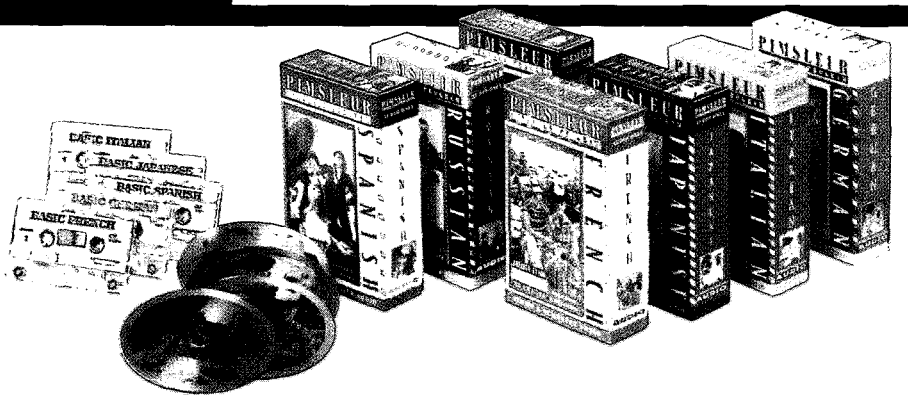

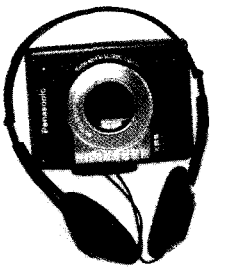

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